



CITY OF FORNEY
PERSONNEL POLICY MANUAL

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Chapter 1: Administration and General Information

1.01 Introduction

The City of Forney's Personnel Policy Manual is designed to acquaint you with the City of Forney and provide information about working conditions, employee benefits, and employment policies. These policies apply to all employees of the City unless otherwise specified. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. You are responsible for reviewing the manual and complying with the policies and all other rules, guidelines, and regulations implemented in accordance with these policies.

It is essential to understand that no employee manual can anticipate every circumstance or question. Due to changes in state and federal employment laws, portions of these policies may be superseded by such new legislation, and it is the intent of the City to monitor and follow any such legislation. The City reserves the right to revise, supplement, or rescind any policy or portion of the Personnel Policy Manual from time to time as it deems appropriate, at its sole and absolute discretion, with the exception of the employment-at-will policy. Employment by the City is at will and may be ended by the City or the employee at any time for any reason. When there are revisions, supplements, or other changes to the manual, managers, supervisors, and employees will be notified of such changes as these occur.

The language used in any statement, policy, or procedure herein is not intended to create, nor is it to be construed to create, a contract between the City and any one or all City employees.

Please visit the Human Resources Department if you have any questions about the interpretation or understanding of any policy, procedure, or practice. The Human Resources Department administers the City's personnel functions and employment policies in accordance with applicable federal and state law. As a matter of policy, all personnel records and policy administration shall be the responsibility of and will be kept and maintained by the Human Resources Department. All references to the City of Forney personnel policy shall refer to the most recent version.

The City wishes at the outset to relay some of its rights, which include, but are not limited to, the following:

- hiring, directing, assigning, discharging, disciplining, and recalling employees;
- establishing wages, hours, and working conditions;
- allocating and assigning work;
- determining the quantity and quality of work to be performed; and

- management and control of premises and equipment.

1.02 Administration:

The City's policies and procedures are established to provide employees with fair and equitable guidelines. These policies are designed to bring to the City service a high degree of understanding, cooperation, efficiency, and unity through systematic and uniform application of modern personnel practices.

The policies and procedures apply to all City employees and are designed to do the following:

- Promote and increase productivity, responsiveness to the public, and economy in City service.
- To provide fair and equal opportunity for qualified persons to enter and progress in City service in a manner based on performance as ascertained through fair and practical personnel management methods.
- To promote high morale among City employees by fostering good working relationships by providing uniform personnel policies, opportunities for advancement, and consideration of employee needs and desires.
- To assist Department Directors/Supervisors in dealing with daily issues as they may arise.
- Enhance the attractiveness of a career with the City.
- Provide each employee with a safe working environment.

1.03 Department Rules and Policies:

Each department may have departmental policies and procedures that are separate from or in addition to the policies and procedures listed in this manual. All departmental policies and procedures must have the approval of the City Manager or designee. Departmental policies and procedures are to be followed; however, no policy or procedure shall be inconsistent with this Personnel Policy Manual. Should such a situation exist, the City's Personnel Policy Manual shall supersede the conflicting department policy.

With the exception of matters of appointment and other personnel actions reserved to the City Council by statute, charter, or ordinance, the final authority on personnel decisions is reserved for the City Manager or designee. Although major areas of policy

are defined in this manual, there may be situations that are not specifically cited. In these instances, the City Manager retains the right to establish policy.

1.04 Amendment of Policies

The City Manager must approve amendments to the Personnel Policy Manual. The City Manager is responsible for the implementation of the personnel policies.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law. Authority may be delegated to appropriate staff members to act on the City Manager's behalf in administering this manual; however, the final authority on personnel decisions shall be reserved for the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Forney supervisor is authorized to modify this manual for any employee or to enter into any agreement, oral or written.

1.05 Management Authority

The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time for any reason.

Policy administration rests with the City management, and City management reserves sole authority to administer City operations.

Miscellaneous:

Policies and procedures apply to all employees of the City, both on and off duty, where applicable, unless otherwise restricted by proper authority or prohibited by State and/or Federal law.

Only the City Manager/City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager/City Council must be contained in a written employment contract signed by both the City Manager and the affected employee.

The City Manager may delegate rights and powers granted under these policies and

procedures to others as deemed appropriate in the City Manager's sole discretion.

1.06 Organization Description

Mission Statement

A community of family values who is dedicated to a safe environment and quality growth.

Vision Statement

Forney is a vibrant hometown community of opportunity and connectivity without limits.

City of Forney Values "VITAL"

Visionary: We are open to new ideas and acceptive to create solutions to all challenges.

Integrity: Our behavior and attitude is characterized by honesty, ethical conduct, and trust.

Teamwork: Helping each other to serve the community and be the best we can be in a positive, encouraging, and authentic manner; we will also seek new teammates who will enhance and enrich the organization through their unique contributions and talent.

Accountable: We understand that our responsibility is the effective and efficient delivery of service to our citizens; further, that policy decisions are to be implemented with diligence.

Leadership: We are servant leaders; seeking to serve our community, organizations, and our fellow employees with humility, empowerment, professionalism, and enthusiasm.

1.07 Services Provided

The primary objective and purpose of municipal government is to provide the most effective, cost-efficient, and courteous service possible to our citizens. Employees are selected for their positions because they have the knowledge, skills, and abilities to fulfill the overall City mission of providing excellent City services.

1.08 Organizational Structure

The City of Forney is a home rule city operating under a Council/Manager form of

government. The City Council is comprised of an elected Mayor and six elected Council members. Those seven representatives serve the entire City of Forney, and while they are assigned place numbers for election purposes, there are no city districts or precincts. The number is for candidacy purposes only, and each member represents the entire population of Forney. The City Manager is appointed by the City Council and serves as a policy advisor to the Council.

1.09 Personnel Files

The City of Forney maintains an official personnel file in the Human Resources Department on each employee, including the employee's job application, resume, performance evaluations, personnel action forms, and other employment records.

Restrictions & Confidentiality of File

Personnel files are the property of the City, and access to the information they contain is restricted. However, the release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law or other information that is exempt from disclosure under the Public Information Act, may be released according to such act. Additionally, direct or hiring supervisors and management personnel of the City who have a legitimate reason may review information in a file. Medical records are maintained separately from the personnel file and will not be released to the public unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a written non-disclosure form at the time of employment, termination, or retirement. An employee or former employee may also later choose to open or close access to such information.

Employee Access to File

Employees who wish to review their files shall contact the Human Resources Department to schedule an appointment. With reasonable advance notice, employees may review their personnel file in the Human Resources Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages but shall not add or remove anything from their personnel file.

Personal Data Changes

It is the responsibility of each employee to notify the Human Resources Department within seven (7) days of any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact, etc. For employees with dependent insurance coverage, the number and names of dependents must also be kept up to date.

Chapter 2: Employment

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

2.01 Recruitment Process

All position vacancies at the City of Forney are listed with Human Resources in the online recruiting system to ensure applicants meet the minimum established qualifications for the open positions. The selection of new employees is the responsibility of each hiring supervisor, with approval from the Department Director. Applicants will be evaluated for positions based on the best overall fit and minimum job description requirements, including, but not limited to, education, experience, skills, the ability to meet the essential functions of the position, and the ability to adapt to the culture of the City of Forney.

The recruitment process is initiated by the hiring department submitting a requisition to fill a vacancy of a budgeted position through the recruiting system. Job vacancies are available for internal and external candidates.

Before submitting the requisition, the hiring manager is responsible for carefully evaluating the job description of the vacant position to determine if there have been changes to the essential job functions, and/or experience, education, and certification requirements. Changes should be submitted to Human Resources for review.

2.02 Applicant Evaluation

The City maintains job descriptions, which establish the required knowledge, skills, and abilities for each position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to perform the essential functions of the job.

The hiring manager/supervisor will review applicants routed by Human Resources. The hiring manager/supervisor will evaluate the applications based on the minimum and preferred qualifications.

If the hiring manager/supervisor chooses to conduct phone interviews prior to in-person interviews, a phone interview must be conducted for all applicants and the same topics will be covered with each applicant.

It is the responsibility of the hiring department to verify that all required professional certifications and licenses are active and valid.

Applications:

Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the desired position.

Employment applications must be completed truthfully and accurately. Deliberate or willful falsification of information on the employment application is cause for rejection of the applicant or discharge if the falsification is discovered after hiring.

No interview may be granted to an applicant unless the applicant's application has been referred to the hiring department by the Human Resources Department.

2.03 Hiring Salary

New employees are hired at the beginning of the position's salary range unless a higher rate of pay is necessary or justifiable. (See the Starting Pay section in Chapter 8 of this manual for further information.)

2.04 Hiring Below Entry-Level Salary Rate

In limited situations, Directors may hire or promote employees who do not meet minimum qualifications at a pay rate that is at least five percent (5%) below the entry level of a position's salary range. To do so requires approval by the Human Resources Director.

Employees who are hired below the entry level of a salary range remain at that rate until acquiring the qualifications necessary to meet the minimum qualifications for the classification. These employees are eligible for performance-based pay increases, provided that the increases do not put them at or above the entry-salary level.

2.05 Minimum Employment Age

The City employs persons 16 and 17 years old with Human Resources approval in non-hazardous positions only. Occupations declared to be hazardous to persons 16 and 17 years of age by the Department of Labor include motor vehicle drivers, outside helpers (contact Legal for definition), operators of power-driven machines, power-driven hoisting equipment, chain saws, circular saws, and guillotine shears, and roofing and excavation labor.

The City follows all federal and state child labor laws. Persons under the age of 16 shall not be employed by the City except for special programs approved by the City

Manager and the City's Department of Law.

Job candidates aged 16 to 18 must provide a copy of their birth certificate or another appropriate official record to verify their age. The birth certificate or official record must be provided at the time of application and retained in the person's personnel file.

2.06 Pre-Employment Screening

For all positions, a background check will be conducted before any conditional offer of employment is made. Once a conditional offer has been made, it is contingent upon the satisfactory results of a post-offer drug screen. Certain positions will also require satisfactory results from a physical examination and alcohol screening. Employees who are transferred or promoted by the City may be asked to undergo a physical examination to ensure they are capable of performing the essential functions of their new position.

Medical examinations will be performed by a physician designated by Human Resources and paid for by the City.

2.07 Probationary Period

Every regular non-civil service person initially hired to or promoted in the City service under a regular appointment shall be required to successfully complete a probationary period of six (6) months, with the exception of all regular civil service police officers and firefighters.

Fire and Police personnel appointed under Civil Service rules must serve a probationary period of one year beginning on the hire date as a firefighter, police officer, or academy trainee. Employees who serve the entire probationary period automatically receive full civil service protection.

A civil service employee who is required to attend a basic training academy for initial certification may have their probationary period extended by not more than six months by the Chief of the department.

Extensions to Probationary Period

If there is any concern regarding the probationary employee's performance or behavior, this should be communicated in writing to the employee before the expiration of the probation period and the initial probationary period can be ended or extended.

An employee's probationary period may be extended up to three (3) months if, in the opinion of the department head, such additional time is necessary and/or warranted to adequately evaluate the employee.

An employee who successfully completes the probationary period may receive additional compensation as established by the City Council. Successful completion of a probationary period does not alter, change, or modify the employee's at-will status. The successful completion of a probationary period does not create or confer any property rights or expectation of continued employment with the City to any employee.

Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position and former City employees who are rehired must satisfactorily complete a performance orientation period of six months. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens.

End of Probation Performance Evaluations

All employees serving in the probationary period shall be constantly evaluated and will receive a performance evaluation(s) per the "Performance Evaluation System" policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee.

All newly hired regular employees may receive an increase up to the Council-approved merit increase amount at the end of the successful completion of their orientation period.

All current employees who are promoted may receive an increase up to the Council-approved merit increase amount at the end of the successful completion of their orientation period. Employees on a step plan will follow the step plans progression and will not be subject to a merit increase at the end of their six-month probation.

Purpose of Probation Period

Department directors shall use the probationary period to closely observe employees' work and fitness and encourage adjustment to their jobs and city service. Only those employees who meet acceptable standards during their probationary periods shall be retained. In the case of appointing or promoting department directors, the probationary period shall be evaluated by the City Manager.

Failure of Probation

An employee shall fail probation when, in the judgment of the department director, the

employee's fitness and/or quality of work are not such as to merit continuation in the job. Failure of probation may occur at any time within the probationary period and shall not be considered part of the disciplinary process.

A newly promoted employee who fails probation may be returned to his or her former job if a vacancy exists. The employee shall be eligible for consideration for later advancement. Department directors shall ensure the thorough documentation of all cases of probation failure and report the same to the Human Resources Director for record-keeping purposes. Department directors shall provide the affected employee with written notice that the employee failed his or her probationary period.

Appeal of Failure of Probation

An employee failing probation shall have no right to appeal, except on the grounds of discrimination which is prohibited by law and these policies, in which case the employee may appeal in writing to the Human Resources Director within ten (10) calendar days following notice of failure of probation. Upon receipt of the written intent to appeal, the Human Resources Director will conduct an investigation.

Within ten (10) business days of concluding the investigation, the Human Resources Director will prepare and deliver to the City Manager a written report summarizing the evidence gathered during the investigation and providing his or her recommendations regarding whether or not the complaint of discrimination has been substantiated. The written report will be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, and the context in which the alleged conduct occurred.

The City Manager may sustain, reverse or modify the decision regarding the employee's failure of probation. The City Manager shall provide the employee with a written decision within ten (10) calendar days following the hearing. The City Manager's decision is final.

2.08 Nepotism

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is strictly forbidden by the City.

Employment of relatives is permitted; however, employees may not appoint or employ immediate family members nor use their position to influence their appointment or employment. Employees shall not be placed in positions in which they would supervise or be supervised by an immediate family member; or be in a position where immediate family members could affect each other's employment, promotion, salary administration, or other related management or personnel transactions.

In order to prevent conflicts of interest, avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that no person related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to the Mayor, any member of the City Council, or the City Manager will hold any office, position, or other services of the City.

For purposes of this provision, relative is defined as:

Child	Brothers	Great Grandmother	Great-Great Grandmother
Mother	Sisters	Great Grandfather	Great-Great Grandfather
Father	Grandmother	Uncles	Great Uncles
Spouse	Grandfather	Aunts	Great Aunts
	Spouse's Mother	Nephews	
	Spouse's Father	Nieces	
	Spouse's Sisters	First Cousins	
	Spouse's Brothers		
Note: In-laws and common-law marriage are included in the above definitions			

Existing Relationships. The provisions of this section shall not apply to any employment relationship existing as of the date of adoption of these policies, as long as such relationship complied with the City policies in effect at the time the employee was hired or the relationship was formed, whichever occurred last.

Supervision by Relatives. No employee shall be employed, promoted, transferred or reinstated in or to any position and/or shift where the employee will supervise directly or be supervised directly by any relative.

Marriage, Living Together. Upon marriage, cohabitation, or residing in the same household, where a situation of nepotism as defined by this policy, is created, the situation of nepotism may be resolved within sixty (60) days by one of the employees' resignation from employment with the City.

Management/Subordinate relations are strictly prohibited. Supervisors and managers are strictly prohibited from entering into dating, sexual relations, or living arrangements with subordinate employees, and in doing so, is grounds for immediate dismissal.

City Council and City Manager. No person related within the consanguinity and affinity

relationship to the Mayor, any member of the City Council, or the City Manager shall be appointed to any office, position or clerkship, or another service of the City, except if the individual is employed in the position immediately before the election or appointment of the Mayor or Council Member, or appointment of the City Manager, to whom the individual is related and that prior employment is continuous for at least thirty (30) days if the Mayor, Council Member or City Manager is appointed or six (6) months if the Mayor or council is elected, this policy shall not apply, provided participation in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

Chapter 3: Federal, State, and Local Laws

3.01 Equal Employment Opportunity

The City provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, or genetic information. The City complies with applicable state and local laws governing nondiscrimination in employment in every location in which the City has facilities. 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.

The City expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. Improper interference with the ability of the City's employees to perform their job duties may result in discipline up to and including discharge.

3.02 At-Will Employment

Each employee enters into the employment relationship with the City voluntarily, with no specified length of employment. Accordingly, either the City or an employee can terminate the employment relationship at will, at any time, with or without cause, and with or without notice. This at-will employment relationship exists regardless of any other written statements or policies or any verbal statement to the contrary. Any employee, manager, or supervisor who makes such a representation or promise is not authorized to do so.

Requirements for continued employment. Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status, and this policy shall not constitute a contract or promise of employment. Employees are expected to continue to meet job performance standards, observe departmental regulations, and observe city rules of conduct in order to continue employment with the city.

3.03 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. However, the employer is **not** required to lower quality or quantity standards to make an accommodation. In addition, the employer is **not** required to provide personal use items such as glasses, contact lenses, wheelchairs, or hearing aids as an accommodation. The City of Forney will comply with all federal, state, and local laws relating to the employment of applicants

and employees with disabilities and reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question.

Procedure

Applicants:

An applicant with a disability who needs accommodation in the examination or interview process can request this accommodation from the Director of Human Resources. In order to allow the City sufficient time to arrange for the accommodation, the request must be made no later than forty-eight (48) hours (two business days) in advance of the test or interview.

If the applicant believes that a reasonable request for an accommodation has not been satisfactorily addressed, he or she shall notify the City Manager or his or her designee.

Employees:

If an employee becomes disabled as defined by the Americans with Disabilities Act (ADA), but may be able to continue his or her current employment with the City with reasonable accommodation, the employee can notify his or her supervisor of the disability by requesting such accommodation in writing and attaching medical documentation of the disability and the need for accommodation. The supervisor must forward the request to the department director immediately.

Requesting an Accommodation:

The administration of ADA is an interactive process between Human Resources, the employee, their supervisor, and the City's Attorney's Office. If an employee or someone on the behalf of the employee believes an accommodation is needed, they should contact Human Resources to begin the interactive process.

The accommodation request must be reviewed by the supervisor, the department director, and the Director of Human Resources or his or her designee. Discussions with the employee regarding the accommodation requested are encouraged. The Director of Human Resources will provide the employee with a response to the employee's request either approving the suggested accommodation, proposing possible alternative accommodations, or notifying the employee that the City will be taking additional time to examine the request. Every attempt will be made to resolve the request as quickly as possible.

If the City is unable to make the accommodation requested, and if no other reasonable accommodation can be found; the City will notify the employee of this decision in writing. This notification will also inform the employee of any other open

positions with the City for which the employee may qualify, and the duties which the employee would need to be able to perform, with or without an accommodation.

If the employee is unable to perform the essential functions of his or her position, or of any other open position for which the employee may otherwise be qualified, he or she will be discharged.

Assessing Accommodation Requests. The City of Forney will make every effort to offer Reasonable Accommodations to enable an employee to perform the essential functions of his or her position when the employee cannot otherwise perform the essential functions of his or her position. A requested accommodation may not be deemed reasonable if:

1. The need for accommodation could not be properly substantiated;
2. The requested accommodation would not be effective in ensuring the employee can perform the essential functions of his or her position; or
3. The requested accommodation would impose an undue hardship on the operations of the City.

The City has the discretion to determine whether a requested accommodation poses any undue hardship for the City and what type of accommodation will be provided.

3.04 Public Information Act

Employees are advised that records related to calls, text messages, emails, pictures, and videos made and received may be subject to the Public Information Act. Information related to telephone numbers called, length of the call, and time and date of the call, as well as the text message, picture, and video itself, may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

The City will not require employees to use personal devices for City business. Employees should remain aware that using personal devices on City businesses could expose their personal records to public scrutiny (via the Public Information Act) or legal subpoena. Also, text messages or emails on a personal email account used for business are official records and must be saved according to the City's Record Retention Schedule, even when it is difficult. Deleting a public record that should have been kept, even a text on a personal device, may constitute a Class A Misdemeanor. As a result, City employees should not use text messaging from personal devices or a personal email account to discuss work-related issues. An employee with custody or control of public records on a personal device, including but limited to texts or emails, shall forward those documents to the City Secretary's Office within ten (10) days after a request from the City Secretary's Office for those records. Emails that are part of the City's system may be used from personnel devices.

Chapter 4: Standards of Conduct

The City is committed to promoting the wellbeing of its employees by maintaining high standards of work performance and professional conduct. The purpose of this chapter is to set forth the City's expectations for employees and the discipline to follow in order to address unacceptable behavior, conduct, and related employment problems in the workplace or outside the workplace when conduct impacts an employee's ability to do his or her job and/or influences the City's overall effectiveness. The goal of this chapter and its procedures is to help employees become fully contributing members of the organization. Conversely, this policy is also designed to enable departments to fairly and effectively discipline and/or terminate employees whose conduct and/or performance does not improve or where the misconduct and/or unacceptable performance is of such a serious nature that an offense warrants termination.

4.01 Maintaining a Respectful Workplace

Integrity is one of the core values of the City and is necessary to accomplish the City's mission of "a community of family values who are dedicated to a safe environment and quality growth." The City is committed to promoting an environment where employees respect each other regardless of their roles and levels of responsibilities and expect all employees to be respectful and professional towards their supervisors, co-workers, citizens, and anyone doing business with the City. It is also the policy of the City of Forney that employees will be treated with respect by supervisors, other employees, and people who are doing business with the City.

Examples of respectful and professional behavior include the following:

- Treating others with civility and courtesy
- Engaging in active listening
- Speaking calmly and showing a commitment to resolving issues and problems
- Respecting and valuing the contribution of others, regardless of their role or status
- Demonstrating patience, being engaged, and listening to the concerns of others
- Listening to and following the directives of supervisors
- Being attentive to requests from co-workers across the City and helping each other in achieving work objectives
- Effectively and productively managing disagreements with co-workers to avoid disruptions in the workplace
- Recognizing and respecting individual differences

- Abiding by applicable rules and policies and addressing any dissatisfaction with, or violation of, policies and procedures through appropriate channels (e.g. chain of command or Human Resources)
- Demonstrating commitment to a culture where employees cooperate and collaborate to work together toward effective outcomes
- If in a leadership role, modeling respectful and professional behavior for subordinates as an effective coaching mechanism
- City employees are expected to refrain from disrespectful and unprofessional behavior, such as:
 - Using threatening or abusive language, profanity, or language that is intended to be or perceived by others to be demeaning, berating, rude, or offensive
 - Shouting/Yelling/Raising your voice in a way that intimidates others
 - Intimidating, demeaning, or bullying others
 - Making threats of violence, retribution, or harm
 - Using racial or ethnic slurs
 - Making inappropriate jokes or using insults regarding someone's personal characteristics, including sexual orientation, race, culture, age, appearance, disability, or illness
 - Teasing, name-calling, ridiculing, or making someone the subject of pranks or practical jokes
 - Using sarcasm or cynicism as a personal attack on others
 - Spreading unsubstantiated rumors or gossip
 - Making actual or threatening inappropriate physical contact
 - Throwing tools, office equipment, or other items as an expression of anger, criticism, or threat or in an otherwise disrespectful or abusive manner
 - Engaging in any pattern of disruptive behavior or interaction that could interfere with the workplace or adversely impact the quality of services

4.02 Employee Responsibilities

The City of Forney employees are responsible for engaging in and promoting workplace behavior that creates and maintains a respectful environment that promotes effective teamwork. Every employee's responsibility is to report behaviors that

are detrimental to this environment. Employees can report such behaviors to their supervisor or the Human Resources Department.

4.03 Management and Supervisory Responsibilities

Managers and supervisors have a greater responsibility and are held to a higher standard to model respectful, professional conduct at the workplace and maintain an environment of respect and effective teamwork in their work areas. Managers and supervisors should monitor the workplace for inappropriate behavior and must immediately take action to stop it, including reporting incidents of harassing behavior to the Human Resources Department.

Managers are responsible for controlling the release of information only to employees who need to know.

When a rule or regulation allows for Department Director or designee discretion, the Department Director has the discretion to establish a policy that will be applied uniformly, in a nondiscriminatory manner, in all similar situations.

4.04 Attendance and Punctuality

Employees shall maintain satisfactory attendance. Unsatisfactory attendance includes the following conduct but may also include other types of conduct: (1) unexcused absence or tardiness; (2) failure to give notice to the supervisor of such absence or tardiness within one hour of the scheduled start time for the work day; (3) abuse of sick leave shown by high average usage without sufficient justification as determined by the department head; (4) absence or tardiness without justification that causes significant disruption of service; and (5) excessive amount of time off the job regardless of the reason. Department heads shall establish work schedules and maintain daily employee attendance records. The Human Resources Department will maintain annual employee attendance records.

4.05 Dress Code

The City of Forney employees must maintain a neat, professional appearance appropriate to their assigned duties. The City adheres to a business casual dress in the workplace year-round, in accordance with this policy. Employees are responsible for using good judgment, wearing clean and in good repair attire, maintaining high standards of good grooming and personal hygiene, and presenting an appearance that meets the professional standards of the City of Forney. Department directors are responsible for enforcing this policy and/or their department uniform in their respective departments in order to maintain employee-acceptable dress and appearance

expectations.

Directors may set department-specific policies related to additional clothing required to address safety concerns with the approval of the City Manager. Any additional requirements placed on employees related to this concern will be documented and given to the employee (i.e. shoes, safety gear, etc.)

Business Professional

Business professional dress is required for City Council and public hearings and meetings with external guests unless specified by the City Manager. Business professional dress should always be easily accessible for directors and employees in a City facility in the event of an unscheduled meeting. The following are guidelines for appropriate business professional attire:

- Long- or short-sleeve dress shirt;
- Dress slacks, dress shirt, sport coat/blazer;
- Suit, dress shirt and tie;
- Dresses, dress blouses or shells with suits or cardigans, slacks or skirts;
- Appropriate business footwear including dress shoes and sandals with straps; and
- Uniforms for fire and police, as appropriate.

Business Casual

Business casual for office employees is allowed Monday through Thursday during regularly scheduled business hours for all employees except uniformed personnel. Because not all casual clothing is suitable for the office, these guidelines will help determine what is appropriate to wear to work. Employees attending seminars/conferences should dress appropriately in business casual attire as they are representing the City. The following are appropriate guidelines for business casual attire:

Traditional business attire;

- Long- or short-sleeved shirts or blouses, polo shirts with collars;
- Dress blouses or shells with suits, slacks or skirts;
- Blazers, sport coats, sweaters, vests, cardigans; and
- Cropped (ankle-length) or capris (no shorter than mid-calf)
- Dress slacks or trousers;
- Blue jeans, unless the employee meets with external guests or attends an event/conference/seminar (jeans must not be low-cut, have holes, and/or rips).

Casual Day

The City of Forney has authorized Fridays as “casual day.” Casual attire includes blue jeans and clean athletic shoes when no meetings are scheduled but may be worn on other occasions as duties allow, with the prior approval of the employee’s supervisor. If employees have meeting(s) scheduled on a Friday with a non-employee(s), they must wear traditional business attire or business casual attire for the meeting, as required for their position with the City. Casual day attire may include the following:

- Blue jeans or denim wear (free from tears and frays)
- Casual shirts with the City of Forney logo
- Tennis / Athletic shoes
- Caps are limited to City of Forney logo caps or solid colors. No other logos or advertisements are allowed on caps

Shorts and capris may be worn by Service Personnel, including Parks and Recreation and others who are in the heat the majority of the day from Memorial Day to Labor Day. Employees wearing shorts and capris should be uniform and professional in appearance (no denim shorts), and the shorts should be no shorter than one inch (1”) above the knee. Employees who qualify for this privilege should not wear shorts on days in which they will be exposed to some risk of injury from equipment or facilities (i.e., weed eaters, lawn equipment, abandoned houses, etc.). At all times, the employee’s appearance should be neat, clean, and appropriate when wearing shorts and capris.

Unacceptable Attire

The following attire is considered inappropriate for employees while at work and must not be worn at any time:

- Flip-flop sandals, rubber shoes, beach sandals, or sleepwear shoes;
- Low-rise pants or jeans that expose undergarments;
- Any item of clothing with wording or graphics that may offend someone;
- Clothing that is torn, ragged, faded, and/or with holes in the fabric;
- Halter, tank, tube, backless, low-cut, tight-fitting, or midriff tops or dresses;
- Muscle shirts, see-through or mesh clothing;
- Short dresses or skirts
- Leggings (unless worn under pants, skirt, or dress) or yoga pants;
- Shorts of any kind, unless uniform-issued; or

- Sweatshirts or sweatpants, wind or jogging suits.

Responsibilities

- Directors: It is the responsibility of Directors and front-line supervisors to enforce the dress code and address concerns with employees who are not in compliance. Human Resources will be available to assist management with more formal discipline if discussions with employees regarding failure to follow the dress code are not effective.
- Employees: Employees are responsible for following the policy as indicated with the understanding that he or she may be sent home, disciplined, or other appropriate action taken should there be a problem with non-compliance.

City-wide Regulations

1. Hygiene: All employees shall be aware that violations of this policy can range from inappropriate clothing items to offensive perfumes and body odor. Hair should be clean and appropriately kept. Beards and mustaches should be kept clean and neatly trimmed. Clothing and shoes should be clean and neatly worn (absent of holes).
2. Jewelry and Body Art: Visible tattoos may be required to be covered at the employee's director's discretion if the tattoo is offensive in its general nature or presentation. No tongue rings, brow rings, facial piercings, or visible belly-button rings will be allowed. Men with ear piercings may wear a clear stud or no earrings while on duty. Conventional dress for women allows for pierced ears; however, earrings should be conservative and in good taste.
3. Religious accommodation may be made for some form of body jewelry or piercing but will be discussed with the Director, and Human Resources should a request for accommodation be made by the employee.
4. Off-Duty: Clothing with City logos or other uniforms or clothing items that identify a person as a City employee will not be worn off-duty to bars, nightclubs, adult entertainment establishments, or at any public location during the consumption of alcohol. Employees should use caution to avoid wearing City clothing at any off-duty location in which the citizenry may question the appropriateness.

Fire/Police Department Regulations

Sworn Personnel – Sworn personnel (Police/Fire) are required to wear specific uniforms.

Sworn personnel should refer to their specific chiefs for requirements related to uniforms. Sworn staff in administrative positions will be required to follow the dress code outlined for administrative personnel (below). The Department chiefs will outline applicable rules related to safety for facial hair and breathing apparatus. Foot protection may be regulated as needed by the chiefs, and uniform or steel-toe boots may be required to prevent employee injury.

Administrative and Service Personnel

Service personnel includes the following areas:

- Public Works
- Facilities Maintenance
- Fleet Services
- Parks and Recreation
- Inspections
- Code Enforcement
- Animal Services
- Meter Services

Administrative personnel includes:

- City Hall
- Police (office & telecommunications)
- Fire (office)
- Finance/Utility Billing
- Human Resources
- City Manager's Office
- Municipal Court
- Public Works Administration
- Community Development Administration
- City Secretary
- Information Technology
- Economic Development

- Engineering

4.06 Uniform Policy

- City employees must have approval from their respective Directors before spending City funds for any clothing, boots, or uniforms.
- This policy does not address specifics regarding Personal Protective Equipment (PPE). Employees should refer to the Safety Policy and their department management for directives regarding safety gear.
- All shirts purchased with City funds will have the City of Forney's name and/or logo printed on them.
- City funds will purchase no undergarments (i.e. thermal underwear).
- Jackets and/or rain gear purchased will include the City logo.
- Employees working in positions requiring uniforms are expected to ensure all uniforms are clean and in good repair.
- The Department Directors will determine which Supervisory positions, if any, are required to wear uniforms.
- Departmental logos on clothing may be approved in lieu of the logo, pending approval by the Assistant City Manager or City Manager. Directors will work to communicate with the City Manager's office regarding alternative department-specific logos that would be used in lieu of the official City logo.
- Employees are prohibited from wearing City logo clothing in social situations unrelated to City business (i.e. clubs, parties, fund-raising events for political or religious affiliations).
- Upon separation from the City, employees may be required to return any shirts, jackets, pants, or hats purchased with City funds.

4.07 City Property and Equipment Use

The City attempts to provide employees with adequate tools, equipment, vehicles, and facilities to support and enhance job performance. The City requires all employees to observe safe work practices and lawful, careful, and courteous operation of vehicles and equipment. Any City issued safety equipment must be correctly used at all times.

The following is not a complete and exhaustive list of property and equipment use policies. Departments may develop additional directives for property and equipment

use. Violations of this policy or any department directives, as well as the improper, careless, negligent, destructive, or unsafe use or operation of equipment and property, may result in disciplinary action, up to and including termination.

General Provisions

From time to time, the City may issue various types of equipment or other property to employees, (credit cards, keys, tools, safety equipment, security passes, manuals, written materials, telephone cards, uniforms, and other property or equipment). Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties.

- At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of the property or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.
- Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective or is in need of repair.
- City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business (unless prior written authorization is given by the City Manager or except as authorized under these policies).
- No employee shall have an expectation of privacy in regards to any City property or equipment assigned to them or being used by them.
- All employees shall be solely responsible for their personal property at all times.

Replacement and Disposal of City Equipment:

If an employee loses or damages city equipment, the employee must make a written report documenting the circumstances to the employee's immediate Supervisor, who will submit the report for review by the Department Director. Determination of an employee's financial responsibility for replacement or repair of the equipment will be made by the Department Director.

4.08 Harassment and Discrimination

It is the policy of the City of Forney that all employees, volunteers or interns shall be able to enjoy a work environment free from all forms of unlawful harassment. Unlawful

harassment is aggressive, suggestive, or offensive behavior based on sexual orientation, race, age, religion, color, disability, national origin, gender, status as a Vietnam-era or special disabled veteran, or any status in any group protected by Federal, state or local law. The City does not tolerate improper interference with the ability of the City's employees to perform their expected job duties.

Director of Human Resources. The Director of Human Resources will receive training about harassment and this policy and will be responsible for investigating harassment complaints.

Distribution of policies. The Director of Human Resources will distribute this policy to all employees. Employees are encouraged to read this policy and adhere to its provisions at all times.

Amendments. The City Manager reserves the right to amend this policy at any time. The Director of Human Resources will notify employees of changes to this policy.

Training. The city shall provide mandatory training in harassment matters for supervisors.

Harassment Definitions:

- Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's race, color, ancestry, religion, national origin, age, gender, sex (including pregnancy, sexual orientation), marital status, disability, genetic information, or veteran status.
- Sexual Harassment is unlawful harassment that is a form of sex discrimination. Sexual harassment is any unwelcome or unsolicited sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature towards another individual when:

Sexual harassment includes, but is not limited to the following:

- Making suggestive comments, gestures, threats, insults or jokes;
- Flirting, touching, making advances or propositions;
- Using sexually degrading words to describe an individual; and
- The display in the workplace of sexually suggestive objects or pictures.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome or personally offensive, which lowers morale and, therefore, interferes with work effectiveness.

Prohibited conduct:

The city considers the following conduct to represent the acts that violate this policy regardless of whether the behavior was intended to harass. The conduct listed below is

not an all-inclusive list:

- Physical Harassment: Any actual or attempts at intentional physical contact, assault, impeding or blocking movement, leering; or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, sex/gender, age, or veteran status. This includes pinching, patting, grabbing, rape, sexual battery, molestation, brushing against another person's body, poking another person's body, or making explicit or implied threats or promises in return for submission to physical acts.
- Verbal Harassment: Inappropriate gestures, rumors, code words, slurs, jokes, unwanted advances, propositions, and other offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, sex/gender, age, or veteran status whether made in general, directed to an individual, or to a group of people.
- Visual Forms of Harassment: Inappropriate gestures or demeaning, derogatory, prejudicial, stereotypical, or otherwise offensive written documents or publications such as posters, photographs, cartoons, notes, magazines, calendars, graffiti, bulletins, drawings, or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, sex/gender, age, or veteran status. A picture is presumed sexually suggestive if it depicts a person who is not fully clothed or in clothes that are not suited to a professional workplace or displaying or drawing attention to the private portions of the body. This applies to posted material and material maintained in or on equipment or personal property in the workplace.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward, is prohibited.
- Subjecting, or threats of subjecting, an employee to unwelcome conduct when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, sex/gender, age, or veteran status; or intentionally making the performance of the employee's job more difficult because of that employee's rejection of such misconduct is prohibited.

- Other acts of a similar nature on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, sex/gender, age, or veteran status.

Retaliation Prohibited:

Retaliation against an individual who makes a good faith report of prohibited conduct or assists in a complaint investigation is prohibited. Acts of retaliation must be reported immediately, as stated in this Section below. The City shall be proactive in preventing retaliation and take remedial action when necessary.

Responsibility of Employees:

An employee or applicant for employment who has been harassed or knows of or suspects harassment in the workplace, sexual or otherwise, has the responsibility to report the conduct to a Supervisor, Department Director, the Director of Human Resources, the City Manager, or Assistant City Manager.

Responsibility of Management

Each Supervisor is responsible for maintaining the workplace free from all types of harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure harassment. Furthermore, if notified of a possible harassment situation, the Supervisor must report the situation to the City Manager or Human Resources as soon as possible.

It will be the responsibility of the City Manager to inform Supervisors and employees of the policy concerning unlawful harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation develops.

The City of Forney is committed to diligently enforcing its harassment/discrimination policy by promptly investigating all complaints. When harassment or discrimination is discovered, the City shall take appropriate remedial measures and/or disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- Decide if the behavior alleged in the complaint took place and constitutes harassment/discrimination that violates Federal and/or State law and City Policy; or constitutes harassment/discrimination in the form of inappropriate or offensive behavior that violates City policy;
- Stop the offending behavior;
- Restore the complainant's working environment;
- Take steps to prevent retaliation and repetition of the harassment; and

- Educate and/or discipline the harasser/discriminator consistent with the seriousness of the offense.

Harassment Complaint Procedure:

- Any employee who feels victimized by harassment/discrimination should report, verbally or in writing, the harassment/discrimination to his or her Supervisor immediately. If the employee's immediate Supervisor is the source of the alleged harassment or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to their Director, Human Resources, or the City Manager. The employee is not required to follow his or her chain of command when reporting harassment/discrimination.
- Any Supervisor or Director that learns of or receives a complaint of harassment/discrimination is required to report it to Human Resources or the City Manager's office.
- If the complaint alleges harassment/discrimination, Human Resources, the City Attorney's office or their designee will conduct a prompt and impartial investigation.
- Management, upon being informed about a harassment/discrimination complaint, shall take immediate and appropriate action when necessary to ensure any inappropriate behavior is not repeated during the investigation. Depending on the nature and severity of the complaint, the City reserves the right to take any immediate action necessary to address the complaint including, but not limited to, immediate suspension without pay of the employee against whom a complaint has been made. If, at the conclusion of the investigation, no discipline is imposed, the City may award back pay for the period of the unpaid suspension, except for any unpaid periods imposed as a discipline.
- The investigation may include, but is not limited to, obtaining all factual evidence, conducting interviews and obtaining witness statements, determining whether a reasonable basis exists for the allegations of harassment, determining if there has been a violation of Federal or state law and/or City policy, and affording the accused the opportunity to respond verbally or in writing to the allegations. If harassment is found to have occurred, recommendations for remedial action shall be made.
- The investigator shall conduct the investigation carefully and discreetly to protect all employees questioned and all information gathered. Confidentiality during an investigation is not guaranteed, but the investigator, to the extent

possible, shall conduct the investigation to protect the privacy of those involved and relate facts only on a need-to-know basis. Every effort shall be made to conduct the investigation promptly so as to respect the rights of all individuals involved.

- Upon completion of the investigation and based upon the findings of the investigation and the conclusions of the investigator, Human Resources or the designee shall promptly relay the results of the investigation to the accused and the complainant.
- If the investigation finds that harassment/discrimination has occurred, the City shall take appropriate corrective disciplinary action, which may include but not be limited to: oral reprimand, written reprimand, suspension, demotion, and/or termination. The City shall take all steps necessary to effectively remedy the harassment/discrimination found during an investigation.
- No employee shall be retaliated or disciplined for pursuing or participating in a harassment/discrimination complaint. The City shall ensure that complainants and witnesses shall suffer no retaliation as a result of their involvement in the investigation.

Discipline for harassment:

An employee found to have violated this policy will be subject to disciplinary action, including written reprimands, transfer, demotion, suspension, or termination. By enforcing this policy, the city will preserve the right of every employee and applicant to enjoy a workplace free of harassment of any type. Reports of harassment will be investigated; however, disciplinary action as a part of the resolution of the matter is not automatic nor understood. Each issue will be handled on its own merits, and disciplinary actions will depend on the complaint's circumstances.

If the investigation does not find that harassment/discrimination occurred or that the alleged incident(s) did not constitute harassment/discrimination, the matter shall be referred back to the department Director to be addressed.

4.09 Solicitation Policy

Solicitation is any act or attempt to advertise, market, take orders, offer to sell, sell any product or service, seek employee membership in any organization, or seek contributions for organizations, campaigns, or charitable purposes.

- Solicitation shall not be permitted of or by City employees during work or business hours other than for the following exceptions:

- Solicitation of funds for the purpose of parties, gifts, flowers, cards or events for a City employee shall be permitted of or by City employees during work or business hours. All requests for donations to assist an employee must be approved by the Department Director and initiated by the Department, not the employee in need of assistance.
- Solicitation of funds for City-sponsored functions and events shall be permitted of or by City employees during work or business hours in accordance with applicable laws. City functions and fundraiser events may include but are not limited to United Way, Muscular Dystrophy, Library, Big Brothers and Big Sisters, Food Pantry, and other charitable purposes that the City Manager or designee has approved.
- Solicitation of funds shall be permitted for local, not-for-profit youth sponsored events (*i.e.*, school, band boosters, and scouting). Solicitation of funds for these purposes shall be limited to placing order forms or products in the break room, bulletin boards or common areas accessible to employees to view at their leisure. The Department Director may make exceptions. Distribution of purchased goods shall not disrupt the work environment.
- No employee is required to make any contribution, nor will an employee be penalized in any way in connection with his or her employment according to his or her response to a solicitation of funds for City-sponsored functions or events.
- Employees engaged in non-authorized solicitation efforts shall be instructed to cease such activity and further engagement in such activities may result in disciplinary action.

4.10 Conflict of Interest and Acceptance of Gifts

No officer or employee of the City shall accept, directly or indirectly, any gift, favor, privilege, or employment having a monetary value in excess of fifty dollars (\$50.00) from any person, firm, or corporation doing business with, or seeking to do business with the City during the term of office of such officer or 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. No officer or employee of the City who is employed, directly or indirectly, by any person, firm, or corporation doing business with, or seeking to do business with the City shall in any manner participate in any discussion or decision of any agency, board, commission, or instrumentality of the City having to do with the business done or sought to be done with the City by such person, firm, or corporation without first declaring

publicly such employment.

4.11 Political Activity

No employee shall be restrained in exercising his or her rights as a citizen to express an opinion or to cast a vote; however, an employee's political activities should not substantially interfere with the employee's job performance or the job performance of others. No city employee shall solicit contributions, donations, distribute campaign literature or participate in other political activity while on duty with the city. It is emphasized that all such activity must occur away from the work site and on the employee's own time. No employee may use the city's funds, equipment, assets or personnel in the promotion of a political campaign or candidate. Employee candidacy for elected public office shall be determined according to governing state and local laws.

4.12 Outside Employment

An employee shall not engage in outside employment, including self-employment where such employment would constitute a conflict of interest or would adversely affect the employee's performance in the City service. Outside employment by any employee requires approval from the Department Director or designee and shall be considered secondary to duties performed as an employee of the City.

If a secondary employment request is approved, employees may not use City work time, supplies or equipment to perform secondary employment work. Failure to disclose secondary employment may lead to disciplinary action, including termination.

4.13 Activity Related to Personal Interests

No employee shall appear or testify on behalf of the private interests of others before the City Council or any City body, board, agency, commission, or any board, commission, corporation, or committee established by ordinance, charter, state law or otherwise, operating either under the direct or indirect authority or subject to the direct or indirect control of the City Council without obtaining the prior approval the employee's supervisor or department head, except in such employee's personal capacity unless required in the course of such employee's duties; and shall not assert the prestige of the employee's position for the purpose of advancing private interests; or state or imply that such employee's appearance or testimony is in an official capacity or on behalf of the City, unless such employee's duties require such appearance or testimony.

Chapter 5: Disciplinary Action, Appeal, Complaints and Grievances Procedures

The City of Forney expects every employee to maintain satisfactory performance standards consistently. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent Sections of this chapter, should first be addressed by the mutually cooperative efforts of the Supervisor and employee. Those efforts include but are not limited to the following:

- An analysis of the problem;
- A determination of needed changes and assistance; and
- Implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period, the employee may be transferred, demoted or terminated depending upon the reasons for failure. The specific action taken and the status of the employee determine what, if any, appeal rights are available to the employee. In addition, unacceptable conduct may be cause for discipline in the form of progressive discipline. However, because employment with the City of Forney is on an “at will” basis, the City reserves the right to terminate at any time without going through the steps of progressive discipline, as outlined below.

5.01 Supervisor Responsibilities

All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document subordinate job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline subordinates as required under their departmental and City policies and procedures, as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

5.02 Human Resources Review

Proposed disciplinary actions consisting of written reprimands must be reviewed by Human Resources. This applies to both employees serving their initial probationary periods and regular employees who have completed their initial probationary periods.

Proposed disciplinary actions consisting of suspensions or above (demotion, discharge or other) must be reviewed by Human Resources. This applies to both employees serving in their initial probationary periods and regular employees who have completed the initial probationary periods.

5.03 Types of Disciplinary Action

In general, and depending on the specific violation(s), the City follows a progressive discipline system whenever necessary to correct employees. In determining the type of discipline that should be imposed, a Department Director should consider such factors as the type and severity of the offense(s), the employee's work record, and any mitigating circumstances that may be relevant to the situation. However, because employment with the City of Forney is on an "at-will" basis, the City reserves the right to terminate at any time without going through the steps of progressive discipline, as outlined below.

The City Manager may take any disciplinary action against a City employee. The City Manager may follow the procedures as set forth below in this Section but is not required to do so. There is no right to appeal disciplinary action taken by the City Manager.

The following disciplinary actions are not exhaustive and may be initiated against an employee for violations of these Regulations and/or City or departmental rules and regulations. The City reserves the right to formulate disciplinary actions not explicitly addressed in this Section.

- A. Documented Oral Reprimand: An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. Two members of management shall always be present during an oral reprimand. An oral reprimand should be documented in writing and signed by the employee and supervisor. All oral reprimands must be kept in the supervisor's employee file.
- B. Written Reprimand: A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the instances of misconduct reoccur.
 - 1. Prior to issuing a written reprimand, the Supervisor or Department Director shall consult with the Human Resources Department.
 - 2. The employee shall be given the opportunity to respond in written form to the written reprimand within five (5) business days of receipt.
 - 3. Both the disciplining Supervisor and the employee should sign the written reprimand.
 - 4. Copies of the written reprimand, all supporting documentation, and the employee's written response, if any, shall become a permanent part of the

employee's personnel file. These records shall be subject to the Public Information Act.

5. Included in the written reprimand shall be the following:
 - a. A statement(s) of the specific violation(s) of policy;
 - b. The specific incident(s) causing the action;
 - c. What changes in behavior are expected;
 - d. What range of penalties may be imposed if the employee makes no changes; and
 - e. The right to appeal as outlined in Section 5.03 – Procedures to Appeal a Written Reprimand.
- C. Suspension: A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his or her behavior during the suspension and to decide whether he or she wishes to correct the offending behavior or terminate his or her employment.
1. Department Directors may suspend an employee without pay for a period of not less than one (1) day or more than ten (10) working days.
 2. Prior to suspending an employee, the Department Director shall consult with the Human Resources Department. Suspension for more than ten (10) working days requires the written approval of the City Manager.
 3. Copies of the suspension, all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
 4. The Department Director shall give written notice to the employee stating:
 - a. The specific rule(s) or policy(s) violated;
 - b. The specific incident(s) leading to the suspension;
 - c. Due to the violation(s), a suspension is imposed;
 - d. The employee's right to appeal the suspension to the City Manager in accordance with Section 7.03 – Procedures to Appeal a Termination, Demotion, or Suspension; and
 - e. The finality of the action if the employee fails to appeal within the specified time period.
- D. Demotion: A demotion results in the removal of job duties based on a violation of City or department policies. Demotion may result in a reduction in pay, change in job title, removal of job privileges or other actions at the City's sole discretion.
1. Prior to demoting an employee, the Department Director shall consult with the Human Resources Department.
 2. Demotions may be either permanent or for a predetermined specified period of time.

3. Copies of the demotion, all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
4. The Department Director shall give written notice to the employee stating:
 - a. The specific rule(s) or policy(s) violated;
 - b. The specific incident(s) leading to the demotion;
 - c. Due to the violation(s), a demotion is imposed;
 - d. The employee's right to appeal the demotion to the City Manager in accordance with Section 7.03 – Procedures to Appeal a Termination, Demotion or Suspension.
 - e. The finality of the action if the employee fails to appeal within the specified time period.

E. Termination:

1. Prior to terminating an employee, the Department Director shall consult with the Human Resources Department.
2. Copies of the termination and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
3. A Department Director shall give written notice to the employee stating:
 - a. The specific rule(s) or policy violated;
 - b. The specific incident(s) leading to the termination;
 - c. Due to the violation(s), a termination is imposed;
 - d. The employee's right to appeal the termination to the City Manager in accordance with Section 7.03 – Procedures to Appeal a Termination, Demotion or Suspension; and
 - e. The finality of the action if the employee fails to appeal within the specified time period.

5.04 Conduct Warranting Disciplinary Action

The following types of conduct are unacceptable and may be cause for discipline in the form of a documented oral reprimand, written reprimand, suspension, demotion or termination, depending upon the facts and circumstances of each case. The examples given below are typical but not all-inclusive:

- A. Unsatisfactory attendance is exemplified by, but not limited to, the following violations:
 1. Unexcused absences or tardiness;
 2. Failure to give notice of an absence or tardiness to the Supervisor within one (1) hour prior to starting time or as may be prescribed by the departmental

policy;

3. Absence or tardiness that causes significant or disruption of services without sufficient justification; or
 4. Abuse of leave, such that the employee's absence from the workplace renders him or her unable to perform the job's essential functions at a satisfactory level, except as covered by the Family and Medical Leave Act.
- B. Frequent claiming of sick leave may constitute grounds for the Department Director's assumption that an employee's physical condition is below the standard required for the employee to perform the essential functions of the job.
- C. Abandonment occurs when an employee deliberately and without authorization is absent from the job or refuses a legitimate order to report to work for three (3) consecutive work days. Absence for three (3) days without proper notification or without satisfactory reason shall be considered job abandonment, and the employee shall be terminated. The employee shall be ineligible for payment of accumulated vacation or sick leave.
- D. Inability or unwillingness to perform assigned work satisfactorily is exemplified by, but not limited to, the following violations:
1. Failure to follow routine written or verbal instructions;
 2. Arguing over assignments or instructions; or
 3. An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient and competent manner.
- E. Indifference toward work is exemplified by, but not limited to, the following violations:
1. Inattention, inefficiency, loafing, sleeping, carelessness or negligence;
 2. Reading unauthorized material, playing games, watching television or movies, accessing unauthorized Internet sites, unauthorized e-mail usage or otherwise engaging in entertainment while on the job and/or in view of the public;
 3. Excessive failure to remain at one's work station without notifying his Supervisor, leaving work without permission, or taking excessive time or more time than allowed for eating or break periods;
 4. Performance of personal business;
 5. Interference with the work of others; or
 6. Discourteous or irresponsible treatment of the public or other employees.
- F. Sabotage is exemplified by, but not limited to, the following violations:
1. Deliberate damage to or destruction of City equipment or property;
 2. Defacing of City property;
 3. Unauthorized alteration, removal, destruction or disclosure of City records;

4. Advocacy of or participation in unlawful trespass or seizure of City property;
 5. Encouraging or engaging in slowdowns, sit-ins, strikes or other concerted actions or efforts to limit or restrict employees from working;
 6. Encouraging City employees to disobey provisions of these rules and regulations, the City Charter, City ordinances or other laws;
 7. Interference with the public use of or access to City services, properties or buildings; or
 8. Threats to commit any act of sabotage as defined in this subparagraph.
- G. Safety violations are exemplified by, but not limited to, the following violations:
1. Failure to follow City or departmental safety rules and regulations;
 2. Failure to use required safety apparel;
 3. Removal or circumvention of a safety device;
 4. Lifting in a manner that may cause injury;
 5. Operations of a vehicle or other equipment in an unsafe, negligent or careless manner;
 6. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
 7. Failure to report an on-the-job injury, vehicle accident or unsafe working condition;
 8. Failure of a Supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
 9. Failure to maintain a driving record acceptable to the City, if driving is required by the position description.
 10. Possessing a record or pattern of unsafe work behavior, as evidenced by an incident of serious negligence or multiple preventable accidents
- H. Dishonesty is exemplified by, but not limited to, the following violations:
1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
 2. Cheating, forging or willful falsification of official City reports or records;
 3. False reporting of the reason for paid leave of absence;
 4. Any other falsifying action detrimental to the City, City employees or others; or
 5. False swearing or false testimony.
- I. Theft, regardless of items value, is exemplified by, but not limited to, the following violations:
1. Unauthorized taking of City property, City supplies or the property of others;
 2. Unauthorized use of City or employee funds;
 3. Using or authorizing the use of City equipment, supplies or employee services for other than official City business, including the unauthorized use of long

- distance or pay telephone services (including "900" toll calls); or
 - 4. Using or authorizing the use of City equipment or employee services without proper authority.
- J. Insubordination is exemplified by, but not limited to, the following violations:
- 1. Willful failure or refusal to follow the specific orders or instructions of a Supervisor or higher authority; or
 - 2. Pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:
 - a. If the employee believes an instruction or order is improper, he or she should request an interpretation of the next higher level of authority; or
 - b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others, or damage to City equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.
- K. Abuse of drugs or alcohol is exemplified, but not limited to, the following violations:
- 1. An employee is judged unable to perform duties in an effective and safe manner due to:
 - a. Ingestion, inhalation or injection of a drug; or
 - b. Ingestion of an alcoholic beverage.
 - 2. An employee possesses or ingests, inhales or injects into his body a drug:
 - a. During working hours and lunch periods;
 - b. In a City vehicle; or
 - c. On City property.
 - 3. An employee possesses or ingests an alcoholic beverage:
 - a. During working hours and lunch periods;
 - b. In a City vehicle; or
 - c. On City property, except at an authorized City event.
 - 4. In this Section:
 - a. "Drug" means a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code, as may hereafter be amended.
 - b. "Alcoholic beverage" means alcohol or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
- L. Disturbance is exemplified by, but not limited to, the following violations:
- 1. Fighting or boisterous conduct;
 - 2. Deliberate causing of physical injury to another employee or citizen;
 - 3. Harassment, as defined by the Texas Penal Code, or intimidation;
 - 4. Unnecessary disruption of the work area;

5. Use of profane, abusive, threatening or loud and boisterous language;
 6. Sexual harassment;
 7. Spreading of false reports; or
 8. Other disruption of the harmonious relations among employees or between employees and the public.
- M. Abuse of City property is exemplified, but not limited to, the following violations:
1. Intentional, careless or negligent damage or destruction of City equipment or property;
 2. Waste of materials or negligent loss of tools or materials; or
 3. Improper maintenance of equipment.
- N. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.
- O. Any employee found to have been negligent with City property may be required to pay restitution to the City.
- P. Misconduct is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or on the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest or confinement.
- Q. Disregard of public trust is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.
- R. Failure to report a violation is exemplified by, but not limited to, failure to report to the proper authority any known violation described in Subsections F, G, H, I, J, K, L or M.
- S. Excessive time spent on non-work activities during work time, including, but not limited to personal conversations, excessive coffee or smoke breaks, as well as personal use of electronic devices, such as use of the Internet, telephone, cell phones, blackberries, or PDAs.
- T. Falsifying, misrepresenting or omitting information for the benefit of one's self or others.
- U. Failure to maintain professional credentials and/or licenses required for the

position.

- V. Off-the-Job Conduct — Conduct that would likely impair the trust of the public, including public intoxication, illegal drug activity or other criminal activity, and slandering or defaming public officials, appointees or other City employees.
- W. An employee shall maintain sufficient competence to properly perform his or her duties and to assume the responsibilities of his or her position. He or she shall direct and coordinate his or her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. The fact that the employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as the result of job performance deficiencies. Apart from, or in addition to, other methods of proof of incompetence, such as failure to achieve and maintain acceptable job proficiency and to accept and execute duties, responsibilities, instructions and orders with minimum supervision, a written record of repeated disciplinary action for infractions of policies, rules, regulations, manuals or directives, or repeated adverse counseling reports and/or evaluations reflecting need for improvement or indicating performance inadequacies, will be considered prima facie evidence of incompetence.
- X. No employee shall discriminate against any individual on the basis of race, color, creed, religion, gender, national origin, age, disability or physical handicap.
- Y. An employee shall maintain a neat, well-groomed appearance and style his or her hair and wear his or her uniform or other apparel in accordance with individually established departmental standards.
- Z. An employee shall maintain high standards of moral conduct in his or her personal affairs and shall not be a participant in any incident involving moral turpitude that tends to or does impair his or her ability to perform as a City employee or cause the City to be brought into disrepute.
- AA. An employee shall refrain from undertaking any financial obligation that he or she knows, or should know, he or she will be unable to meet. An employee shall pay all just debts when due. Conduct in violation of this policy that tends to impair the efficient operation of municipal administration or causes the City to be brought into disrepute may be cause for disciplinary action. Further, an employee shall not solicit any employee to co-sign or endorse any promissory note or other loan.
- BB. No employee shall engage in any form of labor organization or association

activities while on duty or on City property. An employee shall have the right to join labor organizations, but nothing shall compel the City to recognize or to engage in collective bargaining with any such labor organizations.

CC. No employee shall be or become a member with intent to further its aims of any organization, association, movement or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unlawful means.

DD. Employees shall notify their immediate Supervisor of traffic violations, any arrest, indictment or conviction within five (5) calendar days of such traffic violation, arrest, indictment or conviction. Employees who operate City vehicles or equipment are required to notify their immediate Supervisor of all traffic violations involving City vehicles within five (5) calendar days of any citation or conviction therefore.

AA. No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established City procedures and consistent with the Texas Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and with the approval of the applicable Department Director. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work. Further, an employee shall not use information gained from any City information system for anything other than official City business.

BB. An employee shall cooperate in an internal investigation in which he or she is the primary focus or for which he or she is a witness or affected party.

5.05 Employee Appeal Process

The City follows the following procedure to appeal a written reprimand:

A. Employees dissatisfied with any written reprimand received by that employee may file a written appeal to his or her Department Director within five (5) calendar days of the action taken. In the event the Department Director or the City Manager has rendered the written reprimand, the Department Director's or City Manager's action shall be non-appealable.

- B. The written appeal must be submitted to the Department Director and shall contain the following information:
 - 1. The type of disciplinary action being appealed and the effective date of the action;
 - 2. The specific reason the discipline is judged to be unjust or otherwise in error;
 - 3. The remedy or solution sought; and
 - 4. The signature of the disciplined employee.
- C. A Department Director shall discuss the facts surrounding the disciplinary action with the affected employee. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Director. A Department Director shall respond in writing to the employee, stating the disposition of the written reprimand within five (5) calendar days of the discussion. The Department Director may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be appealed beyond the Department Director.

The City follows the following procedure to appeal a termination, demotion or suspension:

- A. A Department Director or an employee who reports to the City Manager, who is terminated, demoted or suspended by the City Manager, shall have no right to appeal that decision.
- B. Any employee, other than a Department Director or an employee who reports directly to the City Manager, who is terminated, demoted or suspended without pay shall have a right to appeal that decision to the City Manager. The right to appeal must be exercised within five (5) calendar days of the date of the decision, by filing a written request with the City Manager and a copy to the Human Resources Department for a hearing. If the employee fails to appeal the decision of the Department Director in accordance with these provisions, the decision of the Department Director shall become final and non-appealable.
- C. If a timely written appeal is filed, the City Manager shall hear the appeal within a reasonable amount of time. A court reporter or stenographer may be present throughout the appeal and, if so, a written record of the proceedings shall be made. A copy of this written record shall be maintained in the employee's personnel records. The City Manager may sustain, reverse, modify or amend the action taken. Further, the appeal hearing may be audiotaped and, if so, the audio tape shall become part of the employee's permanent personnel file.

- D. Any hearing conducted by the City Manager generally shall proceed as follows: City representative(s) shall be allowed to make a presentation of the City's case, explaining and detailing the reasons for the disciplinary action imposed. Such presentation may include the production of witnesses and/or documentation supporting the disciplinary action imposed. After the City's presentation, the employee or his attorney shall be permitted to ask questions and/or cross-examine witnesses. Thereafter, the affected employee or his attorney shall be permitted to make any statements or produce witnesses and/or documentation on the employee's behalf. After the employee's presentation, the City representative or the City's attorney shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to make a closing statement, if desired. At any time during the hearing, the City Manager may ask questions of the City's representative(s), the employee and any witnesses. The hearing presentation or procedure referenced herein may be modified and there is no absolute right to any hearing procedure or presentation. Further, the failure to follow any hearing presentation or procedure referenced herein does not create any additional appeal rights.

City Manager Review:

Upon conclusion of the appeal hearing, the City Manager shall have a reasonable amount of time to make a determination. After reviewing evidence presented, the City Manager may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. The decision of the City Manager is final and non-appealable.

Miscellaneous:

- If any employee fails to appeal any disciplinary action according to the provisions expressly set forth herein, or within the time limits specified in this Section, or if the employee fails to appear at any hearing, the disciplinary action shall be final and non-appealable.
- If an appeal is not answered within the specific time limits, the employee may proceed to the next step, if any, in the appeal process.
- Any time limit specified in the procedures under this Section may be extended by mutual written agreement.
- An employee who is suspected of a violation of state, Federal or local law, City ordinance, a rule, regulation, or these Regulations, may be subject to disciplinary action up to and including termination or may be placed on administrative leave with or without pay pending the outcome of any related

investigation and/or imposition of disciplinary action. The City Manager must approve any administrative leave with or without pay.

- A reduction in force is not subject to appeal or grievance procedures. Any employee separated from City employment as a result of a reduction in force has no right to appeal or grieve such separation.

5.06 Grievance Policy

A grievance is an allegation regarding the violation, misinterpretation or improper application of a specific state or Federal law, regulation, or City charter, policy or ordinance provision. This does not include questioning the substance of policy nor complaints regarding an employee's individual working conditions. It is the policy of the City, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for exercising the grievance right. A grievance may be filed by an employee on one or more of the following grounds: illegal discrimination based on sexual orientation, race, age, religion, color, disability or national origin, gender or status as a Vietnam-era or special disabled veteran, or status in any group, protected by Federal, state or local law; improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; improper application of fringe benefits; improper working conditions, or any violation of state or Federal law. This grievance policy does not address or apply to employee disciplinary actions or to procedures to appeal a termination, demotion, or suspension.

Discrimination and harassment grievances (as defined above) are to be taken directly to the Human Resources Department and/or City Manager.

Informal Grievances

The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her Supervisor or Department Director. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal, written grievance.

Formal Grievances

Formal grievances must be in writing, signed by the employee, and presented to the employee's Department Director within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the following:

- The names of each individual involved in the grievance either as a party whose action is subject to the grievance or as a witness;

- A description of the basis of the grievance sufficient to reasonably apprise the decision maker of the nature of the grievance;
- A description of any documentation or physical evidence which should be considered in determining the grievance;
- If a grievance involves a violation of law, a description of the City policy or procedure, ordinance, State or Federal law, if any, which the employee in good faith believes has been violated or may be relevant to the appeal as well as a description of how the provision is relevant to the grievance is/are required;
- A statement of the specific remedial action requested by the employee, along with the employee's signature.

An employee may be represented throughout the grievance process by a representative of his or her choosing, who cannot be another City employee or member of the City Council.

After being presented with a written and signed grievance, the Department Director will:

- Consult with the employee and such other persons as may be necessary to gather the facts;
- Notify the Human Resources Director;
- Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
- Communicate the decision to the employee in writing within ten (10) calendar days after the date the grievance is filed, sending a copy of the decision to the Human Resources Director.

If the employee either receives no written decision from the Department Director within ten (10) calendar days from the date the grievance was filed, or the employee is not satisfied with the proposed resolution, he or she must deliver to the City Manager a written statement notifying the City Manager of the employee's desire for an additional review of the grievance within the sooner of five (5) calendar days of receiving the proposed resolution or within fifteen (15) days of the date the grievance was filed. The City Manager will review the facts and the file, meet with the parties involved, and respond in writing to the employee within fourteen (14) calendar days of the date the appeal was received in the City Manager's office. The decision of the City Manager is final.

If the employee brings a formal grievance against the employee's Department Director,

the formal grievance must be in writing, signed by the employee, and presented to the City Manager within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the same information as set forth above. After being presented with the written, signed grievance, the City Manager shall:

- Consult with the employee and such other persons as may be necessary to gather the facts;
- Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
- Communicate the decision to the employee in writing within ten (10) calendar days after the date the grievance is filed. The decision of the City Manager shall be final.

If the employee brings a formal grievance against the City Manager, the formal grievance must be in writing, signed by the employee, and presented to the Mayor and the City Attorney within ten (10) calendar days after the alleged grievance occurred.

The grievance document shall include the same information as set forth above. After being presented with the written, signed grievance, the City Attorney shall:

1. Provide a copy of the grievance to the City Manager; and
2. Make any initial findings and present them to the City Council in executive session.

Following the executive session with the City Council, if necessary, the City Attorney shall:

1. Notify the grieved employee as to when the Mayor and the City Council will meet with the employee and such other persons as the Mayor and the City Council deem necessary to gather the facts and discuss the grievance;
2. Meet, discuss and attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
3. Review the grievance and communicate the decision of the City Council to the employee in writing within thirty (30) calendar days after having reached a decision as to the grievance. The decision of the City Council shall be final.

At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within ten (10) working days in simple grievance matters. The total time for a final resolution should not exceed sixty (60) calendar days.

A copy of all documentation relating to the grievance will be forwarded to the City Manager's office immediately upon conclusion of each step in the grievance process to be placed in the employee's personnel file.

If the employee is dissatisfied with any decision during the grievance process, he or she must appeal to the next step, if any, within the established time period. Failure to timely appeal is a determination that the employee is satisfied with the last decision.

5.07 Administrative Notes

- Documentation related grievances will be maintained in the Human Resources Director's files and retained in accordance with required records retention of such investigations. Should a complaint or grievance result in disciplinary action of any employee, the disciplinary memo will be filed in the employee's personnel file.
- If the Director of Human Resources determines that an employee is abusing the grievance procedure, he/she will provide the grievant with written notice of the finding and the basis for the finding and shall take appropriate action.
- Grievances against Directors: In the event that an employee's immediate supervisor is the director and he/she is the subject of the complaint or grievance, the employee should submit the complaint directly to the Human Resources Director and City Manager.
- Failure to Follow Procedures: Failure of an employee to follow the procedures set out above, or failure to appear at meeting(s) related to the grievance, shall result in the loss of further appeal rights by the employee.
- Time Limits: Time limits specified in this procedure may be lengthened if necessary due to holidays, vacations, sick leave, or other similar reasonable delays. The Human Resources Director will make appropriate adjustments if needed for unusual circumstances.
- Failure to Answer Grievance: If a grievance is not answered within the time limits as specified, the employee may proceed to the next step in the process.
- Reprisal or Retaliation: An employee will not be retaliated against or experience any form of reprisal or discipline for exercising his or her good faith efforts under this policy. If the employee believes he/she is retaliated against during or as a result of this process, he/she will report this to the Human Resources Department or the City Manager immediately.
- Effect of Procedure: The existence of and access to this procedure shall not constitute any limitation on the rights of the City of Forney to manage its affairs. All employees hold their positions at the will and pleasure of the City.

- Failure to Follow Procedures: Failure of an employee to follow the procedures set out above or failure to appear at an EEO Grievance Committee meeting shall result in the loss of further appeal rights by the employee.

Chapter 6: Employee Benefits

6.01 Medical, Dental, and Life

The City of Forney provides group medical and dental insurance coverage as well as life, short and long-term disability insurance for regular employees. Premiums for employees are paid by the City, and eligible employees will be offered the opportunity to add coverage for dependents at the employee's expense.

Medical

Employees who work at least 30 hours per week, 130 hours per month, or for more than 120 seasonal days in the year will be eligible for the group medical coverage as required under the Affordable Care Act of 2010.

More complete information regarding available benefits can be found by contacting the Human Resources Department or by consulting available benefits guides and plan summaries, and the benefits webpage. Benefits information is generally provided to each employee at orientation and is also available from Human Resources on request. Upon employment, each eligible employee will be given a booklet containing detailed information about the City's insurance programs.

Employees retiring and receiving TMRS retirement benefits before becoming eligible for Medicare may continue their group medical coverage in effect at the time of retirement by paying all applicable premiums until such time as Medicare medical benefits become available to the retired employee and/or their dependents. Employees utilizing retiree group medical coverage must enroll within 31 days of the effective date of retirement.

Dental

The City provides dental insurance for all permanent full-time employees. Coverage is effective on the 1st of the month following the month in which the employee started employment with the City. This insurance provides payment of dental expenses up to the limits of the policy for dental work. Dependent coverage is available at group rates by payroll deduction. Employees shall refer to the Dental Insurance Policy for more specific coverage information.

Life Insurance

The City provides group life insurance to all permanent full-time employees. Coverage is effective on the 1st of the month following the month in which the employee started employment with the City. The premiums for life insurance are paid by the City. Life insurance is payable in the event of death from any cause

at any time or place while he or she is insured. Payment will be made to any beneficiary designated by the employee. Employees shall refer to the Life Insurance Policy for more specific coverage information.

6.02 Short-Term and Long-Term Disability

The City provides all full-time employees a short-term disability plan (STD) and long-term disability plan (LTD) to help eligible employees cope with an illness or injury that would result in absence from employment.

Eligible Employees

- All full-time employees who:
 - Have worked at least six months
 - Have experienced a personal illness or non-work-related injury; and
 - Are not engaged in any occupation or employment (outside employment) for wage or profit other than partial disability employment with the city; and
 - Are under the continuing care of a physician or medical provider as defined under Family Medical Leave Act or related regulations.

This plan is not available to part-time or temporary employees, typically defined as those working on average, less than 30 hours per week annually.

These plans are designed to ensure a continuing income for employees who are disabled and unable to work. Eligible employees may participate in these plans subject to all terms and conditions of the agreement between the City and the insurance carrier.

An eligible employee experiencing a qualifying disability may apply for coverage under the Plan. The percentage of income replacement received under the Plan will be supplemented by accrued leave. Beginning with the qualifying period, an employee's accrued leave will be used in the following order: 1) Sick Leave, 2) Compensatory Time 3) Personal Day, and 4) Vacation Leave.

The STD plan has a fifteen (15) day elimination period. During the elimination period, employees must use any available time off (sick, comp, vacation, and personal).

In no case will the employee receive more than 100% of his or her compensation. An employee off work due to an illness or injury should continue

to follow departmental attendance procedures unless approved for short-term disability. An employee who is approved for short- or long-term disability must continue to call his or her supervisor once every two weeks, or on a schedule as requested by the supervisor. An employee's FMLA twelve (12) weeks leave entitlement shall run concurrently with short or long-term disability if the employee is eligible.

All leave must be exhausted before an employee receives leave without pay.

Contact the Human Resources Department for additional information about the STD and LTD benefits plans.

6.03 COBRA – Consolidated Omnibus Budget Reconciliation Act

COBRA gives employees and/or dependent(s) the opportunity to continue health insurance coverage under the City's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death, reduction in hours, an employee's divorce or legal separation, or a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary will pay the full cost of coverage at the City's group rate plus an administrative fee. When a qualifying event occurs, contact the Human Resources Department to determine COBRA eligibility.

6.04 TMRS Retirement Plan

The City is a member of the Texas Municipal Retirement System (TMRS). Participation in the TMRS provides for monthly pension benefits for employees of Texas municipalities at retirement. Participation in this system is required for all permanent employees who work 1,000 or more hours a year. Participation in the system begins immediately upon employment with the city. The employee will contribute seven percent (7%) of his or her salary through payroll deductions into the retirement plan. The city will match said amount at a ratio of 2:1.

6.05 Employee Assistance Program

The City of Forney offers an Employee Assistance Program (EAP) for employees, which provides confidential short-term counseling for employees and/or their dependent(s). Areas of counseling include, but are not limited to marital and family conflicts, drug and alcohol use, job or emotional stress, depression, and grief. Individual counseling for immediate family is available for up to three (3) sessions per incident per year at no cost. Consult your insurance material or the

Human Resources Department for the telephone number of the EAP.

6.06 Certification Pay

The City of Forney is committed to the employee's educational growth and development. In addition to an employee's regular earnings, an employee who obtains certification may be eligible for certification pay.

In order to receive compensation, the certificate or the documentation must be deemed beneficial to the City as part of the employee's current work responsibilities and must not be a minimum or preferred requirement for the employee's position. Should an employee transfer to a department where a certification currently held becomes applicable, the employee may then be eligible for certification pay. Certification pay shall be forfeited if a transfer or promotion places the employee in a position where the certificate is not applicable or is a minimum or preferred requirement of the new position.

It is the sole responsibility of the employee to provide copies of licenses and/or certifications and to provide copies of renewals. Employees must provide evidence that licenses/certifications are current in order for compensation to be considered.

Eligible employees are required to provide Human Resources with proof of eligibility (certificate) before certification pay will be awarded. All paperwork must be submitted to Human Resources within three (3) pay periods of the employee being hired or receiving the proof of eligibility for certification in order for payment to be retroactive. If the certification requires renewal and the employee fails to renew the certification and turn in the paperwork, the certification will be dropped until proof of renewal is received in Human Resources.

Fire Department

Intermediate Fire Certificate \$600 per year

Advanced Fire Certificate \$1200 per year

Master Fire Certificate \$1800 per year

Police Department

Intermediate Peace Officer or Telecommunicator Certificate \$600 per year

Advanced Peace Officer or Telecommunicator Certificate \$1200 per year

Master Peace Officer or Telecommunicator Certificate \$1800 per year

6.07 Longevity Pay

All regular, full full-time employees will receive an additional five dollars per month longevity pay for each year of service with the City.

s6.08 Tuition Reimbursement

It is the policy of the City of Forney to provide quality services for its citizens by encouraging upward mobility, employee development, and excellence of performance by sharing the expense of approved courses and educational programs assists employees in broadening their knowledge of their current position or preparing them for the possible assumption of new job responsibilities within the City.

Roles and Responsibilities

- Human Resources will administer the program and provide final authority on program eligibility, reimbursement, and course eligibility.
- The employee's Department Director is responsible for approving/denying the employee's initial degree plan and/or change of degree plan to ensure it is related to the employee's job, promotional path, and/or a city-related career.
- The employee must comply with all of the following to be eligible:
 - Completed 12 months of regular, full-time employment from the most recent hire date and before the class start date;
 - Not currently under nor have received formal disciplinary action in the 12 months before the application and/or reimbursement
 - Complete and forward a Tuition Reimbursement application to their department/division manager for preliminary approval;
 - Submit all required paperwork for initial semester approval and reimbursement by stated deadlines.

General Guidelines

- This program intends to provide funding assistance for those employees working toward a degree that would help them to advance within the organization based on educational requirements.
- Funds for tuition reimbursement are distributed on a first come, first served basis depending on fiscal year funding availability. Funding is not guaranteed and may vary from year to year.

- The basis for approval and reimbursement rate is based upon "Core Curriculum" and remaining "Degree Plan Courses."
- There will be no reimbursement for any cost covered by another governmental agency, grants, or scholarships.
- The City will only share in the cost of obtaining one undergraduate degree and/or one master's degree unless there is a special authorization from the City Manager's Office.

Eligible Colleges and Universities

All coursework must be completed at a fully accredited college, community college, or university recognized as accredited by the Council for Higher Education Accreditation (www.chea.org).

Accredited institutions are those having a curriculum of study approved by the Southern Association of Colleges and Schools, the National Association of Trade and Technical Schools, or the Career College of America.

Reimbursement

1. The City will reimburse for approved coursework based on the actual cost of tuition and mandatory fees up to \$225 per semester hour, not to exceed \$2,700 per City fiscal year.
2. As a condition of reimbursement, participants must earn a grade of "C" or above in undergraduate-level courses, "B" or above in graduate-level courses, and "Pass" in Pass/Fail courses. For those courses for which grades are not assigned, a certificate of completion will serve as proof of course completion.
3. Reimbursement for the thesis or dissertation will be paid when the participant submits an official grade report or transcript that records a passing grade. Reimbursement will be paid for the required number of credit hours (six for the thesis and twelve for the dissertation) regardless of the actual number of hours taken.
4. Mandatory fees may be reimbursed as part of the tuition rate charges.
5. The City will reimburse up to a maximum of \$200.00 for books per semester. Receipts must be supplied with the request for reimbursement. Supplies or other expenses in connection with courses to be taken are not eligible for reimbursement. Fire Department employees working on a

Fire Science Degree when the State reimburses tuition are eligible for book reimbursement.

6. Seminars, conferences, and courses unrelated to a City career field are ineligible for tuition reimbursement. Approval for reimbursement for seminars and conferences is subject to department training budgets. Non-credit continuing education courses containing the same or similar information as received in previous courses (repeat courses) as well as credit obtained under the College Level Examination Program (CLEP) are not eligible for tuition reimbursement.
7. Tuition reimbursement will be paid only once for each approved course. The City will not pay tuition reimbursement for courses for which tuition reimbursement has already been received by the employee.
8. Correspondence courses, online courses, and technical training courses must be approved by the Department Director before registration. Participants wishing to receive reimbursement for such must provide official scholastic accreditation documentation and an official description of the course(s) or training to the Department Director before registration.
9. The City will not pay the cost of tuition that has been or shall be paid from other sources such as scholarships, grants, Veterans' benefits, or other subsidies. In the event of a partial scholarship or grant, the reimbursement will be calculated based on the actual expense to the employee. In no case can an employee "doubledip" on tuition reimbursement benefits.
10. Tuition reimbursement will not be granted for audited courses.
11. Except for under unusual circumstances and with the written consent of the Department Director and Human Resources Department, an employee must schedule classes so that the employee's attendance and course work do not adversely interfere with his or her normal work schedule or work performance for the City.
12. In all cases, the City has the sole discretion to approve or disapprove an employee's request for tuition reimbursement and also to make the determination as to whether a school is appropriately accredited.

Application and Reimbursement Process

1. An employee considering reimbursement under the terms of this program must complete an application before enrollment in qualified courses. Tuition reimbursement will be paid only if the course and degree plan in question has been pre-approved.
2. Applications for Tuition Reimbursement, with appropriate departments approvals, must be received by the Human Resources Department by the following deadlines:

Fall Semester Classes	The last Friday in September
Spring Semester Classes	The last Friday in January
Summer Semester Classes	The last Friday in June
3. To begin the Tuition Reimbursement program process, the employee must submit a complete degree plan outlining required courses and an application for tuition reimbursement to their Department Director.
4. The Department Director will review the application, sign it as appropriate, and then forward the application to the Human Resources Department. Department Directors should review and respond within 10 days when possible.
5. If the Human Resources Department approves the field of study, all courses in the degree plan are eligible for reimbursement subject to the \$2,700 cap and the availability of funds in the City's Annual Operating Budget. Reimbursement will be paid at 100% of the eligible tuition rate up to the maximum of \$2,700 annually.
6. If courses change from the initial registration form, the Human Resources Department must be contacted.
7. Participants will pay all costs according to the parameters of their educational institution. Within 21 days after the employee completes a course, the employee must submit copies of the following to the Department Director for reimbursement approval:
8. An itemized statement of tuition and fees, proof of payment, and an official grade report or transcript.
9. Participants will be reimbursed based upon the actual tuition and fees up to \$200 per semester hour, not to exceed \$2,700 per City fiscal year. To calculate the fiscal year maximum, reimbursement will be deemed paid upon the course completion date.

10. Reimbursement requests submitted after the deadline will be denied unless prior written permission is granted by the Department Director.

Termination

If an employee resigns or is terminated for any reason before course completion, the City shall not be obligated to reimburse any part of the expense.

An employee who resigns or is terminated less than two years after completion of a reimbursed course must reimburse the City for all amounts paid to the employee under this policy within thirty days of his or her separation date. The City may reduce the final paycheck by any/all amounts owed.

Employees terminated due to a reduction in force shall not be required to reimburse the monies.

Employees on Leave

Special authorization must be obtained from the Department Director and the Human Resources Department for an employee to continue classes while he/she is away from work while on sick leave, workers' compensation leaves, FMLA leave, and so on.

6.09 Breastfeeding Policy

The City of Forney supports employees who are nursing mothers in the practice of expressing breast milk and shall make reasonable accommodations for the needs of employees who express breast milk.

The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time to express breast milk for their nursing child for up to one (1) year after the child's birth or adoption (as applicable) each time such an employee needs to express the milk. The City will provide a private, secure location, other than a restroom, in the employee's building for this purpose. The space provided will be one that can be made available to the employee as needed, is shielded from view, and is free from intrusion from co-workers or the public.

The employee and her Supervisor will agree on the times for these breaks. In order to prepare such a designated space, the City requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility.

For the purposes of this policy, a written request directed to Human Resources will suffice. Human Resources will work with Facilities Maintenance and the Department Director to ensure that adequate space is prepared and maintained for the duration of the period of time expressing is requested. Breaks taken for the purpose of expressing breast milk will run concurrently, not in addition to, other breaks taken throughout the day.

Chapter 7: Leave of Absences

7.01 Vacation Leave

In appreciation of continuous service, the City shall provide employees in permanent full-time and permanent part-time positions, an opportunity for paid vacation leave away from the work environment. The City encourages employees to use vacation leave annually.

All other permanent full-time and permanent part-time employees accrue vacation leave relative to their scheduled number of hours. Accrual rates are as follows:

Full-Time (40 hours/week):

Length of Service	Days Per Year	Accrued Hours per Pay Period	Maximum Accrual	Maximum Hours Payout
0 – 5 years	10 Days	3.0769	160	140
5 - 10 years	15 Days	4.6153	200	200
10 - 15 years	20 Days	6.1539	240	240
15+ years	25 Days	7.6923	280	280

Sworn Police Employees/Fire Administration (40 hours/week):

Length of Service	Days Per Year	Accrued Hours per Pay Period	Maximum Accrual	Maximum Hours Payout
0 – 5 years	15 Days	4.6154	180	140
5 - 10 years	15 Days	4.6154	240	200
10 - 15 years	20 Days	6.1539	280	240
15+ years	25 Days	7.6923	320	280

Fire Shift Employees:

Length of Service	Days Per Year	Accrued Hours per Pay Period	Maximum Accrual	Maximum Hours Payout
0 – 5 years	15 Days	6.923	300	240
5 - 10 years	15 Days	6.923	360	300
10 - 15 years	20 Days	9.23076	420	360
15+ years	25 Days	11.53846	480	420

Department Directors:

Length of Service	Days Per Year	Accrued Hours per Pay Period	Maximum Accrual	Maximum Hours Payout
0 – 5 years	20 Days	6.15	200	200
5 - 10 years	20 Days	6.15	240	200
10 - 15 years	20 Days	6.15	240	200
15+ years	25 Days	7.69	280	240

Animal Control, Police Administration, and Dispatch personnel will be considered as employees working 40 hours per week.

Part-time Permanent Employees

Vacation leave will accrue on a prorated basis according to the normal work schedule.

Vacation leave shall be administered as follows:

1. Vacation leave shall accrue from the date of employment but shall not be taken until the employee has completed six (6) months of continuous service.
2. Employees must schedule vacation leave in accordance with their Department's guidelines. Whenever possible, vacation leave will be scheduled at the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of their departments. Employees are encouraged to submit their requests as far in advance as possible to relieve any scheduling problems that may develop. Failure to schedule vacation leave in accordance with your Department guidelines or failure to have approval prior to the leave may result in the employee being absent without leave. An employee who is absent without leave will not receive pay for the time in question and may be subject to disciplinary action.
3. Employees may not request more vacation leave than the number of hours required to meet the needed hours for a regularly scheduled work week.
4. Vacation leave is paid at the employee's base rate of pay and shall be charged only for time during which the employee would ordinarily have worked. Vacation leave does not count as time worked for purposes of determining overtime.
5. If an official holiday occurs during a period of vacation, an employee will be charged for the holiday instead of for vacation leave.
6. An employee who becomes ill or injured during vacation may request that the vacation be terminated, and the absence converted to sick leave. Usage of sick leave in these circumstances is subject to all provisions

- contained in the sick leave policy.
7. Vacation leave shall not be advanced to any employee unless approved by the City Manager.
 8. Vacation leave is not transferable between employees.
 9. Employees being laterally transferred, promoted, or demoted shall retain accrued vacation leave.
 10. An employee on suspension forfeits all claims to use paid vacation leave during the suspension period.
 11. Upon termination of employment, employees who have completed at least one year of continuous service will be paid for all accumulated vacation time up to the maximum amount based on years of service.
"Please review chart"
 12. If the employee is terminated or quits without a two (2) week notice or fails to work the full two (2) weeks after notice, no payment for accrued vacation leave shall be made, unless the two (2) week notice is waived by the Department Directors and the Director of Human Resources.
 13. Once an employee reaches their maximum accrual, they will no longer earn vacation hours until they are once again below the maximum.
 14. Each police officer earns one and one-quarter days of vacation for each full month employed in a calendar year to total fifteen vacation days or 120 hours.
 15. Each firefighter earns one and one-quarter days of vacation for each full month employed in a calendar year to total fifteen vacation days. For the purpose of determining firefighter leave time, a day is defined as twelve (12) hours for non-administrative personnel. Firefighters will continue to accrue up to the maximum accrual based on years of service.

7.02 Vacation Sell Back

Employees are encouraged to take an annual vacation for their own health and well-being. Regular full-time employees have the option once a year to have vacation leave purchased back by the City.

Employees may sell back up to 60 hours for employees working 40 hours per week or 90 hours for employees working 24-hour shifts. The sell back of accrued vacation cannot result in the employee's vacation accrual balance being less than 80 hours for a 40-hour-per-week employee or 120 hours for a 24-hour shift employee.

The vacation leave sell-back is typically available to participating employees on the first pay period in November, but this is subject to change.

7.03 Sick Leave

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist or for other medical therapy, or to care for certain family members who are ill or injured.

Each firefighter earns sick leave with pay at the rate of 1 1/4 full working days for each full month employed in a calendar year. For the purpose of determining firefighter earned leave time, a day is defined as twelve (12) hours.

Each police officer earns sick leave with pay at the rate of 1 1/4 full working days for each full month employed in a calendar year. For the purpose of determining a police officer's earned leave time, a day is defined as eight (8) hours.

All permanent full-time and permanent part-time employees accrue sick leave relative to their scheduled number of hours. Accrual rates are as follows:

Full-time Permanent Employees	
Employees working 40 hr./week shifts:	80 hours per year (3.08 hrs./pay period)
Sworn Police Employees (40 hrs./week):	120 hours per year (4.6154hrs/pay period)
Fire Administration	120 hours per year (4.6154 hrs./pay period)
Firefighters working 24 hr. shifts:	180 hours per year (6.923 hrs./pay period)

Animal Control, Police, and Dispatch personnel will be considered as employees working 40 hours per week.

Part-time Permanent Employees

Sick leave will accrue on a prorated basis according to the normal work schedule.

Sick leave shall be administered as follows:

- Sick leave shall accrue from the date of employment.
- An employee may accumulate unlimited sick leave.
- Sick leave may not be taken in advance of it being earned.
- Employees may not request more sick leave than the number of hours required to meet the needed hours for a regularly scheduled work week.
- An employee who is unable to work due to illness or injury (whether their own or a family member's) must notify their supervisor before the start of the workday using whatever method is specified by the supervisor. The supervisor must also be contacted on each additional day of absence. Employees must also provide a reasonable amount of notice for doctor appointments or other treatments. Supervisors may request that the employee schedule such appointments at a time that is least disruptive to the work unit and the schedules of co-workers.
- Sick leave is paid at the employee's base rate of pay and shall be charged only for the time during which the employees would ordinarily have worked. Sick leave does not count as time worked for purposes of determining overtime.
- If an official holiday occurs during a period of illness, an employee will be charged for the holiday instead of for sick leave.
- A supervisor should consult with Human Resources if he/she suspects employee misuse of sick leave not authorized under the Family and Medical Leave Act (FMLA) or workers' compensation leave. The department may request an employee to provide written verification by a physician of medical disability precluding availability for duty at any time that sick leave benefits are requested. An employee who cannot provide such proof may be charged with other leave or leave without pay.
- Upon termination of employment, Non-Civil Service Employees will not be paid for sick leave accrued and not taken, except that any employee retiring from the City of Forney in goodstanding after twenty (20) years of service will be paid for 50% of the accumulated sick leave up to a maximum of 500 hours.
- As of October 31, 2022, Civil Service Employees will be eligible to be paid for accrued and unused civil service sick leave as follows: Employees assigned to a forty (40) hour work period (2080 annual hours) will be paid their balance up to seven hundred twenty (720) sick leave hours and fire suppression employees assigned to a fifty-six (56) hour work period (2912

annual hours) will be paid their balance up to one thousand eighty (1080) sick leave hours.

- An employee who is released by the treating physician to return to regular or light duty (provided light duty is available) is ineligible to use sick or other paid leave and may be subject to disciplinary action if they fail to report for work.
- An employee on sick leave may not engage in work, whether part-time or full-time, for pay or as a volunteer while off work from the City.
- An employee who uses sick leave for three or more consecutive workdays must provide a statement from the treating physician as proof that the illness or injury prevents him/her from working. An employee may also be required to furnish a statement from a treating physician or to submit to a physical examination by a physician selected by the city when:
 - there is a reasonable cause to question the merits of an employee's claim that the employee's absence is due to illness or injury of the employee or a family member residing in the employee's household.
 - The employee's safety or ability to work is in question;
 - there is a question of sick leave misuse, or
 - the efficiency or safety of the work unit is in question. Failure to submit the statement in a timely manner will result in the denial of sick leave.
- The misuse of sick leave is grounds for disciplinary action up to and including termination. The misuse of sick leave is characterized by a pattern of behavior such as, but not limited to:
 - Misrepresenting the need to use sick leave.
 - Falsifying healthcare provider notices or reports.
 - Frequently using sick leave before or after holidays, weekends, or following a payday.
 - Frequently using sick leave as soon as it has accrued.
- Sick leave hours may be transferred from one employee to another. (Please refer to Donation of Leave Policy) The purpose of a transfer is to provide employees with the possibility of obtaining additional sick leave to avoid loss of compensation due to a catastrophic illness or injury when the employee has exhausted all accrued leave. This temporary measure is

geared towards limiting employees' economic hardships until the required elimination period is reached for any long-term disability.

Sick Leave Sell Back

On the anniversary of the employee, an employee may sell back up to 25% of the unused sick leave accrual for that year at the employee's base rate of pay. Sick leave must be sold back from only the current year's accrual. (Sick leave sell back discontinues 12/31/2023)

7.04 Donation of Sick Leave

This policy will allow City employees to donate earned sick time to a leave bank for employees whose qualifying leave balances' have been exhausted and are experiencing a medical emergency that requires extended absence from duty and will result in a loss of income apart from the donation leave policy.

Eligible employees may voluntarily donate sick leave earned by the employee to another City employee in the event of a catastrophic illness or injury. Eligible employees cannot donate more than forty (40) hours of their leave balance per year unless authorized by the City Manager.

Full and part-time employees may contribute to a co-worker's sick leave as long as his or her remaining balance is at least the minimum amount of eighty (80) hours.

Eligibility:

A full-time employee who has completed at least six (6) months of service may request sick leave from the catastrophic sick leave bank if:

- All applicable paid leave has been exhausted.
- The employee incurred a non-work-related injury or illness, which is considered a serious medical hardship or catastrophic injury or illness.
- The employee must be reasonably expected to return to regular duty within sixty (60) calendar days.
- The employee has not been disciplined within the last two (2) years from the date of his or her request.

Eligible recipients are employees who suffer from a terminal illness, mortal injury,

or a life endangering – event that requires hospitalization, hospice care, extensive outpatient treatment, and/or rehabilitation under the supervision of a state-licensed medical or health care provider. Serious chronic illnesses or injuries that result in intermittent absences from work may be considered catastrophic (e.g. cancer and AIDS). Employees suffering from conditions that are short-term in nature (e.g. flu, measles, common illnesses, common injuries, etc.) are not deemed catastrophic. The Director of Human Resources or the City Manager has the discretion to determine whether a particular employee's illness or injury is catastrophic.

To receive donated leave, the employee must deplete or will soon deplete his or her accrued sick leave, vacation leave and other compensatory time, which will result in leave without pay status. The recipient employee should have no history of sick leave abuse.

Donations of sick leave may not be rescinded by the donating employee, however, if donations go unused, the hours will be returned to the donating employee.

7.05 Holiday Leave

The City provides paid holidays to all full-time and regular part-time employees, including those serving in their initial probationary period. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

- New Year's Day
- Martin Luther King Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- the day after Thanksgiving Day
- Christmas Eve
- Christmas Day

Ineligibility for Holiday Pay

An employee who is on an unauthorized absence on the workday immediately preceding and following a holiday will not be paid for the holiday.

An employee on leave without pay status on a holiday or on the scheduled workdays immediately preceding and following the holiday shall not receive pay for the holiday.

Other Religious Holidays

Employees desiring to observe religious holidays not coinciding with official holidays may be given time off without pay or may be authorized to use accrued vacation leave on such days.

Holiday During other Leave Time

If a holiday occurs during vacation, that day will not be charged against vacation leave.

Holidays Falling on Saturday or Sunday

Whenever a legal holiday listed above falls on a Saturday, it will be observed on the preceding Friday. Holidays falling on Sunday will be observed on the following Monday unless otherwise designated by the City Manager.

Working on a Holiday

Non-exempt employees not assigned to shift work and who are required to work on observed holidays due to an emergency call to duty or a City Special Event shall be paid for the time worked at their overtime rate of pay and paid for the holiday at their regular rate during the pay period in which the holiday occurs.

Permanent part-time employees who would normally have worked on a day of the week observed as a holiday shall be entitled to holiday pay for the number of hours, he/she would have worked on that day if the holiday had not occurred.

Banked Holiday

- City employees assigned to a shift schedule are allowed to accrue holiday leave. Shift employees may accrue no more than 80 hours of banked holiday (120 hours for firefighters assigned to 24-hour shift schedules). No shift employee shall be able to accrue more than the maximum hours and will forfeit future holiday accruals until such time as their balance falls below the maximum allowable hours. Holiday leave shall not accrue in a retroactive manner.

- Banked holiday leave used during a pay period will not count as hours worked for the purposes of overtime compensation for non-exempt employees.
- Banked holiday leave shall not be eligible for buyback from the City and must be used as discretionary leave in accordance with other forms of discretionary leave scheduling. Supervisors and managers may not allow employees to use banked holiday leave in any manner that will result in a staffing shortage that requires additional personnel to work overtime without the approval of the Department Director.
- Employees may not request more banked holidays than the number of hours required to meet the necessary hours for a regularly scheduled work week.

7.06 Personal Day

Paid personal days are provided as a benefit to employees. Personal days allow full-time employees the opportunity to conduct personal business or deal with family matters.

Personal Days Per Year

All regular full-time employees shall be entitled to two (2) personal days each year. Personal days are awarded to each employee upon their hire date and on October 1 of each year of employment. General employees will receive sixteen (16) hours, Sworn Police employees will receive sixteen (16) hours, and Fire Shift employees will receive twenty-four (24) hours per calendar year.

New Hires

All regular full-time new hires will have personal days credited to their leave bank after (3) months of service with the City.

Timeframe Hired	General & Sworn PD	Fire Shift
October – March	16 hours	24 hours
April – September	8 hours	12 hours

Separating Employees

Except in extraordinary situations, separating employees will not be allowed to use personal time as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

General Provisions

- Personal leave balances do not carry over and must be used by the last pay period in September.
- Failure to use personal days will result in forfeiture.
- Personal days are not eligible for buy-back.
- Personal days are not paid out upon separation from the City.
- Employees may not request more personal leave than the number of hours required to meet the necessary hours for a regularly scheduled work week.

7.07 Administrative Leave

During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager.

Leave without pay is granted as a matter of administrative discretion. No employee may demand to leave with pay as a matter of right, but it may be granted to any employee. Leave without pay for periods longer than five (5) calendar days must be approved by the City Manager.

7.08 Absence Without Leave

An employee failing to report to work or to remain at work as scheduled without proper notification to his or her immediate supervisor and without authorization or excuse from the same has committed a serious offense and shall not be paid for the time involved. Absence without leave constitutes abandonment of duties and may result in dismissal or suspension.

7.09 Military Leave

Military leave will be granted in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Unless notice is otherwise impossible or unreasonable to give, employees are required to give advance notice of military service.

Active-duty employees are entitled to 15 days of paid military leave per year as required for training purposes. After exhausting the 15 days of military leave the employee may choose to use accrued vacation leave to the extent available or be placed in a leave without pay status (or a combination of the two) for the remainder of the active-duty period. The Personnel Policies will dictate benefits available during a leave without pay.

Civil Service employees who request a military leave of absence will be processed under the TLGC, Civil Service, Chapter 143.072, Military Leave of Absence and .075, Military Leave Time Account.

7.10 Bereavement Leave

The Department Director or designee may grant bereavement leave with pay to allow an employee time off to attend to the immediate needs resulting from a death in his or her family. For purposes of bereavement leave, the family includes the spouse, child, parent, brother, sister, uncle, aunt, nephew, niece, and grandparents of an employee or employee's spouse, or any other relative living in the employee's household. For the purposes of this section, each day of bereavement leave is 8 hours unless the employee is on a 24-hour shift.

Bereavement leave is limited to no more than three (3) days or 36 hours for 24-hour shift firefighters per death of an employee's immediate family member. Up to five (5) workdays or 60 hours for 24-hour shift firefighters may be granted to attend a funeral occurring more than 150 miles away from their home. The length of time granted for bereavement leave must be approved by the Department Director or designee and will depend on the circumstances. Employees who desire to attend the funeral of a non-family member may do so upon approval of their immediate supervisor and will be required to use accrued comp time, vacation, personal, or leave without pay.

Leave shall be granted unless there are unique business needs or staffing requirements. The employee should notify their department supervisor of using bereavement leave as soon as possible. A supervisor may require the employee to provide documentation for a bereavement leave request.

Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any other form of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

7.11 Civic Duty Leave

Civic Duty leave may be granted to an employee to allow the employee to vote in an official election or when an employee is called for jury duty or court service. Civic Duty leave shall be paid in hourly increments. Usage of increments of less than one hour shall not be permitted. Civic duty leave to vote in an election must be approved by the employee's supervisor or department head.

Employees excused or released from duty or court service shall report back to work when as much as four (4) hours of working time remains if the employee's normal work period is an eight (8) hour shift and when as much as twelve (12) hours or more are remaining if the individual is assigned to a twenty-four (24) hour shift. Employees may retain their remuneration for jury duty in addition to the paid Civic Duty leave. Proof of jury duty or court service shall be required and filed in the employee's personnel files before pay is granted.

7.12 Authorized Leave Without Pay

Leave without pay is granted as a matter of administrative discretion. No employee may demand to leave without pay as a matter of right, but it may be granted to any employee who has exhausted all available leave.

Leave without pay in excess of five (5) consecutive calendar days must be requested by the Department Director and approved by the director of human resources. The City Manager must approve leave without pay in excess of 10 consecutive calendar days.

An employee granted leave without pay forfeits use and accrual of sick leave, vacation leave, holiday leave, bereavement leave, and civil leave, except to the extent that the leave without pay is authorized by federal or state law.

Chapter 8: Compensation

The purpose of this chapter is to ensure the City's compliance with state and federal law, including the Fair Labor Standards Act (FLSA); to demonstrate efforts to attract and retain qualified candidates and employees; to provide a level of compensation that is equitable and will motivate employees to do their best work; and to communicate the City's basic compensation and personnel action procedures.

It is the policy of the City of Forney to accurately compensate employees in compliance with all applicable state and federal laws. To ensure that employees are properly paid for all time worked, and so that no improper deductions are made, employees must correctly report all work time and review their pay advice to identify any errors.

Department is responsible for the administration and interpretation of the FLSA, with input from the Legal Department. These responsibilities include: determining the existence of an employer-employee relationship; determining an employee's exempt or nonexempt status under the FLSA; and interpreting and applying minimum wage, work time, defined hours, overtime, work schedules, special residency agreements, and other FLSA provisions such as child labor standards.

Supervisors who approve timesheets which do not accurately reflect hours worked may also be subject to disciplinary action.

8.01 Timekeeping

Accurately reporting time worked is the responsibility of every non-exempt employee. The City must keep an accurate record of time worked in order to calculate employee pay and benefits.

Time Worked

Time worked includes all time that an employee is required to be physically at work for the City. Time worked is used to determine regular and any overtime pay for non-exempt employees.

The City does include the following provisions as time worked:

1. Work away from City facilities or work from home: An employee shall not be permitted to perform work away from City facilities or work from home unless approved in advance in writing by the City Manager. If approved, work performed away from City facilities or work from home by an employee must be counted as time worked.

2. Break Time: Rest periods of fifteen (15) minutes or less are counted as time worked.

Time Not Worked

According to the Fair Labor Standards Act (FLSA), the City does **not** count the following provisions as time worked:

1. Paid Leave: Approved paid absences, including but not limited to sick leave, vacation leave, personal, FMLA, military leave, jury duty, non-job related duty as a witness, bereavement leave, and voting time off are not counted as time worked.
2. Lunch or Dinner Periods: Uninterrupted time off for lunch or dinner is not counted as time worked.

Reporting Time

Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons.

It is the employee's responsibility to confirm their time records to verify the accuracy of all time recorded. The supervisor for the department will review and approve the time before submitting it for payroll processing. In the event of an error in reporting time, immediately report the problem to the department supervisor. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

8.02 Corrections to Pay

The City of Forney makes all reasonable efforts to assure employees are paid the correct amount in each paycheck and that employees are paid promptly on the scheduled payday.

It is the employee's responsibility to review their payroll information and deductions for accuracy. If an employee is overpaid, given more leave benefits than they are due, or receives any other benefit or compensation to which they are not entitled, whether due to an employee's misrepresentation, the misapplication of a policy, an error in processing, or for any other reason, the employee is expected to notify his or her Supervisor and/or Payroll. The City will take steps to recover the benefits or compensation if the employee has been overpaid. Likewise, any form of payroll deduction that results in an underpayment shall be reported as well.

Error on Paycheck

If an error should occur in the amount of pay or an improper deduction is made, employees should contact Payroll detailing the error before the next pay period.

Corrections

When underpayment or an improper deduction is verified, it will be corrected no later than the next regular paycheck.

Overpayments

Overpayments will be corrected as soon as practical through a repayment schedule arranged by the Finance Department so as not to place an undue burden on the employee.

8.03 Pay Periods

Employees of the City of Forney are paid biweekly, every other Friday. Each paycheck will include earnings for work performed through the end of the previous payroll period. In the event the regularly scheduled payday falls on a holiday, employees will receive their paystub/paycheck the day before.

For most employees, the pay period is made up of two, 40-hour work weeks or work cycles. Fire Department personnel may have alternate work cycles that make up the payperiod. The alternate work cycles must be in accordance with law and approved by the department director and Human Resources.

8.04 Administrative Workweek or Work Period

Normal working hours for full-time non-public safety employees are Monday through Friday, 8:00 A.M. to 5:00 P.M. with one (1) hour for lunch, for a total of forty (40) hours perworkweek. Some departments may work schedules that are different than the City's standard operating days/hours. Morning and afternoon breaks of fifteen (15) minutes each may be available to each employee if the break does not interfere with City operations, but this time does not accumulate if not taken, and this time cannot be used to alter an employee's work hours. Breaks are a privilege and are not to be abused.

Certified Police, dispatchers and Fire suppression personnel work shifts as assigned by their Department Director.

In addition, the City Manager may 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 workday established. Excessive absences and tardiness are subject to disciplinary action.

8.05 Public Safety Work Period and Schedules

- Firefighting Employees. The City has elected to adopt the exception for firefighting personnel allowable under Section 7(k) of the Fair Labor Standards Act (FLSA) with a 14-day work period.
- Police Officers. The City of Forney's police officers work in shifts in accordance with the exception allowable under Section 7(k) of the Fair Labor Standards Act (FLSA), and waivers signed by a majority of police officers in accordance with Local Government Code § 142.0017
- "Hours worked" for purposes of calculating overtime for non-exempt police officers include all hours when an officer is on duty including time spent performing work outside the officer's normal shift if the work is required by the City; time spent testifying in court or in an administrative proceeding if the time is controlled or required by the City, attendance is intended to benefit the City, or attendance is a direct result of the police officer's duties; and time spent in training activities required by the City. "Hours worked" does not include travel time to and from the officer's residence and work, on-call time unless the City places special restrictions on the officer's time so that he or she cannot effectively use the on-call time for his or her own purposes, time spent working for another employer, time spent substituting for another employee by mutual agreement, or time spent in volunteer law enforcement activities performed for a different jurisdiction.

8.06 Payroll Deductions

The City of Forney offers programs and benefits beyond those required by law.

Mandatory Deductions

The City is required by law to make certain deductions from employee's compensation. These deductions include withholdings for federal income taxes; Federal Insurance Contributions Act (FICA) tax, which is comprised of Social Security and Medicare, and contributions to the TMRS Retirement Plan.

Voluntary Deductions

The City allows limited voluntary deduction programs to employees for City

sponsored benefits, such as the 457 Deferred Compensation Plan, Accident, Critical Illness, or supplemental life insurance. Contact the Human Resources Department for contribution levels and enrollment information.

Record of Deductions

The check stub serves as a statement of employee's earnings and deductions. Employees who received income in the previous year will receive a Wage and Tax Statement (W-2) by January 31st. If an employee does not receive a W-2 by the second week of February, contact the Finance Department.

Changes in Deductions

An employee may begin, change, or cancel most optional deductions, or may change the number of dependents for tax purposes by contacting the Human Resources Department for the appropriate form.

8.07 Overtime and Compensatory Time

Federal regulations allow government jurisdictions to compensate non-exempt employees for overtime work with either overtime pay, or compensatory time paid or credited at the rate of one-and-one-half times for all time worked in excess of 40 hours in a workweek. By policy, the City provides overtime compensation at a straight-time rate to non-exempt employees who are scheduled to work less than 40 hours per week but who work more than their scheduled hours, up to 40.

Employees must obtain supervisory approval prior to working overtime hours or earning compensatory time. Employees working unauthorized overtime/compensatory time will be compensated for the time but may face disciplinary action.

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime, record keeping, and child labor standards. The FLSA, amended in 1985, provides the option for compensatory time in lieu of compensation for non-exempt employees. Executive, administrative, and professional employees are exempt from the FLSA's overtime requirement.

Non-exempt employees are eligible to receive one-and-one-half times their regular hourly rate in overtime pay or compensatory time credited at the rate of one-and-one-half times for the overtime hours worked in a work week. The Firefighter's and Police Officers' overtime and compensatory time will be based on their work period. The determination of whether to compensate the employee in overtime pay or compensatory time is made at the discretion of the department. Department Directors are encouraged to establish written and consistent internal policies regarding when overtime work will be compensated

in compensatory time versus when overtime will be paid out.

Overtime

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

1. Overtime is defined as those hours worked by "non-exempt" employees during an FLSA-defined work period that exceed the number of hours specified for such work period.
2. Overtime worked by non-exempt employees must be compensated at one and one-half times based on the employee's regular rate of pay, or by compensatory time equivalent to one and one-half hours for each hour of overtime worked.
3. Each City job description designates whether persons hired in that classification are covered by or exempt from the overtime provisions of FLSA.

Eligibility for Overtime

1. Police- sworn police employees shall be paid overtime for actual hours worked in excess of eighty (80) hours in any fourteen (14) day work period.
2. Fire – sworn fire employees will receive overtime pay for any hours worked in excess of 106 hours in the 14-day period.
3. Non-exempt employees will be paid overtime or receive compensatory time, per departmental policy, for hours worked in excess of 40 hours per workweek except those fire and police department employees who are governed by a work period.

Civil Service employees who work a City Special Event or Special Event authorized by the City other than during their regularly scheduled shift will be compensated at their overtime rate of pay for a minimum of two hours regardless of any leave that may have been used during that pay period.

Compensatory Time

1. Maximum accrual is forty (40) hours of time worked, which equates to sixty (60) hours of compensatory time. Shift Firefighter's maximum accrual is 72 hours worked, which equates to 108.
 - a. Compensatory Time may be accrued at the straight time or the overtime (1.5 times) rate of pay.

- b. Only additional hours worked over and above the employee's normal work schedule are eligible for accrual as compensatory time.
2. Shift Firefighters – Hours worked over the employee's normal work schedule will be eligible for compensatory time accrual.
3. Once a non-exempt employee has accrued the maximum of compensatory time all additional overtime will be paid out as overtime, until the compensatory balance has been reduced.
4. Overtime compensation will not be paid or accrued until the allowable number of hours has been surpassed for a given work week regardless of the daily schedule of an eligible employee.
5. An employee who has accrued compensatory time may request the use of compensatory time off at any time consistent with the needs of the department. The department shall allow for the use of compensatory time within a reasonable period after the request is made unless the employee's absence from work would unduly disrupt departmental operations.
6. Consistent with the FLSA, sick leave, vacation, compensatory time, anniversary days, personal holidays, jury duty, and injury leave will not count towards the allowable number of hours worked in a workweek or work period. City holidays will count towards the allowable number of hours worked in a workweek or work period if the holiday is observed on the actual date of occurrence.
7. When a non-exempt employee terminates employment with the City, the employee will be fully compensated for all unused compensatory time accumulated.
8. If a non-exempt employee is promoted to an exempt employment status, the employee shall continue to be allowed to use the compensatory time accumulated prior to the promotion until it is exhausted.
9. Employees may not request more compensatory time than the number of hours required to meet the necessary hours for a regularly scheduled work week.

Exempt Employees

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Exempt employees are paid a base rate of pay, regardless of the number of hours worked. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

Extra hours of work are generally common for exempt employees, but these employees do not record overtime hours nor accumulate compensatory time. Exempt employees may take time off from work in recognition of extra hours

worked upon approval of the City Manager or Assistant City Manager, whichever is applicable. As such, compensatory leave payments are not applicable to an exempt employee nor to an exempt employee's estate upon separation or death.

8.08 On-Call Pay

The City provides for after-hour service needs by allowing some departments to designate certain employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hours service needs as required by procedures established by their department. This policy is only applicable to the following departments: Public Works, Utility Billing, and Information Technology.

On-call is defined as:

- A period during which the employee is not performing work but is scheduled to remain at, near, or able to return to work for operational requirements that may develop outside of normally scheduled work hours.
- An on-call period shall be defined as one (1) consecutive 24-hour day
- Employees can be contacted by telephone
- and have free (personal) use of the time while waiting for an assignment and
- be required to respond within a reasonable length of time. Department response times may vary depending on business necessity.

Call-back pay does not apply if an employee is held over his or her scheduled work time.

Employees called back to work must be fit, both mentally and physically, to accomplish call-back services needed within the time frame required and comply with the City's Alcohol-Free and Drug-Free Policies. An employee is considered officially called back only when approved by the supervisor under procedures established by the department.

1. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established within their Department.
2. On-call status is not considered time worked and is not compensable unless Employees who are on-call are free to engage in personal pursuits, however, they may be required to carry a cell phone or provide a

telephone number where the employee can be reached. They may also be required to respond within a certain time frame as determined by the Department Head.

3. In the event, an employee is called-back they must comply with section 14.04 Substance Abuse and Testing.
4. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two hours.
5. After the initial two (2) hour period has begun, if the work has been completed and the employee has left the work site, any additional call within that original two (2) hour period of time will not initiate another two (2) hour minimum period.
6. Employees designated as on-call rotation will receive \$100 per week. If the employee is unable to complete all 7 days of the on-call rotation, they will receive \$14.29 per day.
7. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered a call-back and is paid at the employee's regular rate of pay until overtime requirements are met.
8. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy and procedures.
9. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. The 2-hour minimum guarantee will not apply. In all cases, employees must report their actual hours worked on their timesheets.
10. Employees exempt from overtime are not eligible for on-call compensation under the provisions of this policy.

Fire Personnel will be governed by the FLSA Overtime Compensation Rules as outlined in 29 CFR 553.230

Departmental Policies

Each department has its internal procedures for handling stand-by and call-back services. Departments may establish guidelines for varying levels of response to call-back situations, depending upon the nature and importance of the services to be completed.

8.09 Starting Pay

Applicants with education and experience meeting the minimum qualifications will be hired at the minimum of the pay range. Applicants whose education and experience exceed the minimum qualifications may be hired up to the mid-point of the range if the applicant exceeds the basic required qualifications and funds are available with authorization being granted by the Department Director and Human Resources Director.

Placement of a new employee above the salary range midpoint requires authorization being granted by the Human Resources Director and approval by the City Manager or designee.

Civil Service personnel salary and compensation will be in accordance with Chapter 143.042 of the Texas Local Government Code and Civil Service Local Rules.

8.10 Promotional Pay

A promotion is a change 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.

The pay rate for an employee after a promotion will be one of the following:

- All employees must make at least the minimum of the new pay grade.
- Between a five percent pay increase from their previous pay rate, although the new pay rate must still be within the salary range for the new position.

If the current employee is already earning a salary above the salary range midpoint of the new pay grade, the employee can receive up to a five (5) percent increase in pay. Department directors must conduct equity evaluations of the salaries of similarly situated employees before hiring or promoting someone at a higher-than-normal rate and should work with the Human Resources Department to accomplish this.

Civil Service personnel will be promoted in accordance with Chapter 143.036 of the Texas Local Government Code and Civil Service Local Rules.

Promotions are approved by the City Manager within the staffing pattern and budget limits approved by the City Council.

A promoted employee who is terminated during the probationary period may appeal pursuant to the process outlined in the appeal section of the policy manual.

8.11 Interim Pay

Any regular full-time employee who is assigned temporarily to work in a regular full-time position with a higher pay grade midpoint than his or her own shall be eligible for a five percent salary increase or the new grade's minimum salary, whichever is higher. Authorization to continue Interim Pay for an additional amount of time must be approved by the Director of Human Resources and revisited every three months.

To be eligible for out-of-class pay, employees must meet the minimum qualifications of the higher position. Employees who act in a non-supervisory position are expected to perform most, if not all, of the duties of the position. Employees who act in a supervisory position may not have the opportunity to perform all the duties of the position, but they must satisfactorily perform all the duties that arise.

Employees performing the duties of a higher classification for purposes of on-the-job training are not eligible for out-of-class pay.

Civil Service personnel will be compensated for temporary duties in a higher classification in accordance with Chapter 143.041 of the Texas Local Government Code and Civil Service Local Rules.

8.12 Longevity Pay

Regular full-time employees receive longevity pay after one full year of service. Longevity will be paid on the original anniversary date at a rate of \$5 per month per year of service.

8.13 Anniversary Award Days

Additional compensation is provided to employees in the form of anniversary days or the ability to receive pay for those days after completion of the employee's 5, 10, 15, and 20 year anniversary dates. These days do not carry over beyond the next benefit year. The compensation schedule is as follows:

5 years – 1 day
10 years – 2 days
15 years – 3 days
20 years – 4 days
4 days at each five (5) year anniversary thereafter.

The maximum amount of bonus days given per anniversary date is four (4).

Anniversary days are to be an eight (8) hour days whether taken as time off. Employees may not request more anniversary leave than the number of hours required to meet the necessary hours for a regularly scheduled work week.

Chapter 9: Work Environment

9.01 Workplace Violence Prevention

The City of Forney is committed to maintaining a safe work environment free of workplace violence and therefore has a zero-tolerance policy regarding violence.

Zero Tolerance

If an employee engages in any violence in the workplace or threatens violence, employment may be terminated immediately. No talk of violence or joking about violence will be tolerated.

Violence includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking about engaging in those activities at any time, including off-duty periods. It is the intent of this policy to ensure that everyone associated with the City, including employees, customers, and citizens, never feel threatened by an employee's actions or conduct.

Violent Conduct

All employees, including supervisors and temporary employees, shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City.

Reporting Violence

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

Suspicious individuals or activities must also be reported as soon as possible to a supervisor. An employee must not be placed in peril; if an employee sees or hears commotion or a disturbance, they must not try to intercede or investigate what is happening.

The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence.

Investigating Violence

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

9.02 Drug-Free Workplace

In compliance with the Omnibus Drug-Free Work Place Policy Act of 1988, the City of Forney shall make a good faith effort to take those steps required by the Act to ensure the safety of its employees, volunteers, citizens, and the general public by providing a drug-free workplace.

The City strictly prohibits the unauthorized use, sale, purchase, possession, distribution, dispensation, manufacture, or transfer of controlled substances, as that term is defined by applicable state and federal laws, while on or in City property or other work sites where employees may be assigned, in City-owned vehicles, in or on City equipment and machinery, or in personal vehicles while conducting City business.

Employees, volunteers, or contract instructors convicted of violations related to controlled substances under state and federal law or who plead guilty or no contest to such charges must inform the City Manager's Office and the Department Director within five (5) days of such conviction or plea. Employees who operate City vehicles or equipment and receive a conviction for a DWI or DUID will be terminated.

Any employee found in violation of this policy will be terminated, and any volunteer found in violation of this policy will be released from volunteer service with the City.

The City maintains a firm commitment to providing a safe work environment free from the effects of illegal drugs and alcohol, as well as the abuse of legal/prescription drugs. It is a violation of this policy to refuse to consent to testing or to test positive for alcohol or illegal drugs. Violations of this policy will result in severe disciplinary action, up to and including termination of employment. This policy applies to all employees including Department Directors and Executive staff.

This policy applies to all employees of the City of Forney (the "City") and all applicants for employment with the City. All employees will receive a copy of this policy and additional copies will be made available upon reasonable

request at the offices of the Human Resources Department. Applicants for employment may be extended an offer of employment but the offer will be conditioned on the successful completion of a drug test. Any applicant who tests positive for drugs without a satisfactory explanation to the Medical Review Officer will be rejected for employment and will not be eligible for reconsideration for a period of at least two (2) years.

9.03 Workplace Violence

The City prohibits any acts or threats of violence by any citizen, visitor, customer, volunteer, employee, or former employee against any other person in or about the city facilities or work sites.

Zero Tolerance. If an employee engages in any violence in the workplace or threatens violence, employment may be terminated immediately. No talk of violence or joking about violence will be tolerated.

Violence includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking about engaging in those activities at any time, including off-duty periods. It is the intent of this policy to ensure that everyone associated with the City, including employees, customers, and citizens, never feel threatened by an employee's actions or conduct.

Violent Conduct. All employees, including supervisors and temporary employees, shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City.

Employee responsibility. Employees have a duty to warn or notify the appropriate management personnel and the police department if they become aware of or suspect any workplace activity, situation, or incident that could lead to a violent confrontation. This would include threats, violence, aggressive behavior, or offensive acts or comments. Employee reports pursuant to this policy will be held in confidence to the maximum extent possible. Retaliation, in any form, against an employee who makes a report under this policy will not be tolerated.

Supervisor responsibility. Supervisors must remain alert to behavior that indicates a person is under excessive stress, is contemplating violent action, or is otherwise unduly disturbed. Supervisors must take seriously reports from employees concerning potential violence and, when they arise, discuss them with the Department Director, the Assistant City Manager, the City Manager, or the Director of Human Resources.

Disciplinary action. If violent acts or threats are committed by an employee of the City, depending on the nature of the acts or threats, action taken may include suspension to allow time for fact-finding, written warning, or other disciplinary action up to and including termination.

Documentation. Any materials relevant to the incident are to be placed in the keeping of the Director of Human Resources, who will be responsible for maintaining a complete and detailed log of events.

Media communications. All communications with the news media concerning a workplace violence incident will be handled by the City Manager or his or her designee, in coordination with the Communications and Marketing Director, the Chief of Police, and the City's legal counsel.

Threats: Threats of physical violence will be taken seriously and subject to the same disciplinary procedures and consequences (up to and including suspension without pay or termination) as actual acts of violence.

9.04 Security Access

In a public building, there is a need to balance the accessibility and use of facilities with the need to provide a safe and secure environment. Convenience must sometimes be compromised in order to maintain security. Each city employee must share the responsibility to assure security for employees and property.

The City maintains a locking system for the protection of its employees, facilities, property, and information. All locks, keys, electronic access cards, and access codes are the sole property of the City of Forney and will be issued to employees based on their need for access. The City reserves the right to change locks, keys, and access codes as needed. All keys and electronic access cards must be returned to the City upon the termination of employment. Employees exiting City buildings at the end of the business day shall ensure that all exterior doors are locked, using the key assigned.

Security codes shall be changed at the discretion of the City Manager or designee. Visitors and non-employees in city buildings must remain in public

access areas unless accompanied into an employee-only area by a city employee. City employees shall not reveal security codes to anyone other than another employee. Revealing a security code to a non-employee may result in disciplinary action.

No unauthorized person shall make, duplicate, possess, or use keys to city premises without authorization. No person may transfer any City key from an individual entrusted with its possession to an unauthorized person or be in unauthorized possession of a City key. No person shall replace without permission, damage, tamper with or vandalize any City lock or security device.

All losses and theft of City keys are to be reported to the Information Technology Department. After one replacement, a fee of \$5.00 may be charged to replace any badge, fob, or key.

9.05 Workplace Monitoring

Workplace monitoring may be conducted to ensure quality control, employee safety, security, and customer satisfaction. There can be no expectation of privacy in the use of the City's resources, including but not limited to, telephones, computers, desks, vehicles, or equipment. Monitoring will occur without prior notification and will be conducted at times and locations deemed appropriate by the City. Workplace monitoring will be done ethically and respectfully.

Telephone

Employees who regularly communicate with citizens and customers may have their telephone calls and conversations monitored and/or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training if needed. Improved job performance enhances our citizens' and customers' image of the City as well as their satisfaction with our service.

Video Surveillance

The City may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Computer Resources

The City owns the contents of all files stored on its systems, all information within application files, and all messages transmitted over its systems. The City reserves the right to monitor any and all aspects of its computer system by human and/or automated means without prior notification to employees.

Inspections

Lockers, vehicles, offices, desks, file cabinets, and other City property used by employees are subject to inspection by a Department Director or designee at any time.

9.06 Visitors in the Workplace

Restricting unauthorized visitors helps maintain safety standards, protect against theft, ensure the security of equipment, protect confidential information, safeguard employee welfare, and avoid potential distractions and disturbances.

All visitors must enter City buildings at the main entrance(s). Authorized visitors will receive directions to their destination. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed in restricted employee-only areas, employees must immediately notify their supervisor or, if necessary, direct the individual to the public area.

9.07 Weapons Policy

Employees are strictly prohibited from possessing any weapon while on duty.

Employees shall not carry or possess a firearm while on duty unless they are required to do so by the City Manager as part of their assigned duties. This policy includes employees with a license from the State of Texas to carry a concealed handgun.

If an employee has a valid Texas license to carry a concealed handgun, he/she may carry a handgun in his or her personal vehicle while parked on City facilities or while using his or her personal vehicle on City business. If the handgun is stored in a personal vehicle, it should be stored out of sight, and the vehicle must be locked.

Weapons are defined under the Texas Penal Code as firearms, knives, explosives, clubs, or any other item that is specially designed, made or adapted for the purpose of inflicting serious bodily injury or death. Employees who are required to use a knife as a tool in the scope of employment may carry a work knife.

Employees who carry a weapon while on duty in violation of this policy shall be disciplined. Such discipline may include termination.

Chapter 10: Travel

The City of Forney will pay reasonable expenses, which are incurred in the course of authorized City travel.

The City has two objectives when paying travel-related expenses: Provide employees sufficient funds to execute business on behalf of the City of Forney, and safeguard City funds by paying only reasonable and necessary expenses.

POLICY

It is the policy of the City of Forney to provide procedures for controlling travel expenses to reduce expenses, minimize personal interpretation of travel guidelines, and ensure that travel is properly approved and documented. The purpose of the required documentation is to provide sufficient evidence to anyone, who reviews the travel expenses that public funds were expended in compliance with this policy.

RESPONSIBILITY

Department Directors are ultimately responsible for ensuring that travel expenditures comply with procedures as outlined and for the review and approval of all documents necessary for travel. Directors have the discretion to implement more restrictive procedures and/or guidelines for their departments.

It is the responsibility of each employee:

- To understand and comply with the procedures and guidelines described in this policy, to adhere to appropriate ethical standards, and to exercise reasonable business judgment in conducting City business. You must apply the same care in incurring expenses that a prudent person would exercise if traveling on personal business.
- To be responsible for all expenses in excess of the reimbursement limits established. The City of Forney will not pay for excess costs resulting from delays, luxury accommodations, or services unnecessary in the performance of official city business.
- To have specific authorization or prior approval to incur expenses chargeable to the City of Forney.
- All city-related business travel expenses should be either charged to a City-issued credit card, to the employee's personal credit card, or by the employee spending his or her cash.

10.01 Authorized Travel

Travel shall be in the best interest of the City. Examples of authorized travel include, but are not limited to:

- Training for improvement of job knowledge and skills;
- Attendance at meetings and conferences;
- Being elected an officer of a professional organization;
- Reviewing projects, and good-will programs with other cities or agencies;
- Obtaining or renewing certifications required of the employee's job or profession; and
- Any other travel as authorized.

10.02 Compensation for Travel

Travel time is compensable when it occurs during the nonexempt employee's normal work hours. If the travel occurs during the normal working hours of a non-exempt employee, even on nonworking days (i.e. Saturday and Sunday for an employee who works Monday to Friday), the time is compensable. However, if the non-exempt employee is **required** to drive or perform work, then the time is compensable. Home-to-work travel is not compensable time. See FLSA and the City's Personnel Policies for further Travel Pay clarification.

10.03 Travel Advances

The City Manager may grant a travel advance when an overnight stay is required. The request will be an estimated amount of meal per diem and hotel expenses. Advance requests are to be prepared and submitted to the Finance Department one week prior to travel to allow for processing. All advances must be accounted for with appropriate receipts for documentation.

Transportation

The choice of transportation considering the most cost-effective and other relevant factors is left to the discretion of the department Director and may include the following:

City Vehicles: When a City vehicle is the appropriate choice of transportation, a fuel card shall be furnished. Any fuel purchased by the employee shall be reimbursed from the actual fuel receipts.

Personal Vehicles: An authorized person traveling by personal vehicle shall be

reimbursed at the rate per mile equal to the current mileage rate as authorized by the IRS based on the shortest route between the points which shall be determined as follows:

- Mileage within and outside of the State of Texas will be computed from the latest official IRS Guide. Please see the Finance Department for this information.
- If the employee must use his or her personally owned vehicle, an internet mapping source, such as google maps, shall be used to calculate mileage.
- Use of a personal vehicle shall be reimbursed at the standard mileage rate for business miles driven, as determined annually by the Internal Revenue Service. Beginning mileage must start from the employee's work address. Return trip mileage terminates at the employee's work address.
- When two (2) or more persons travel in a single personal vehicle, only one (1) shall receive a transportation reimbursement. This provision shall not preclude each traveler from receiving compensation for other allowable expenses. When two (2) or more persons are required to make the same trip, every effort shall be made to utilize one (1) vehicle unless the lowest cost of transportation is air travel.
- Mileage reimbursement will not be made for an amount in excess of the cost of the lowest refundable round-trip airfare, without prior approval by the City Manager.
- Travel within the City must be documented in order to be considered for reimbursement.
- Use of personal vehicles for City business shall only be done when the employee's vehicle is properly registered and insured.
- City employees receiving a car allowance are eligible for mileage reimbursement subject to the following conditions:
- Reimbursable travel is outside a fifty (50) mile radius of the City of Forney.
- The employee shall be given the option of using a City-owned vehicle or the employee may use their own personal vehicle and receive reimbursement based on the latest IRS Guideline for Standard Mileage Rates.

- If a City vehicle is available, but for personal convenience, a personal vehicle is used, no reimbursement of mileage is allowed without prior approval from the City Manager.

Airlines: The cost of public transportation is allowed at the lowest refundable rate plus applicable taxes. Airline ticket copies must be submitted as itemized receipts for this expense.

In the event the employee is entitled to compensation for denied boarding, the amount received shall be returned to the City of Forney. When flight cancellation by the airline necessitates an overnight stay, employees should attempt to obtain accommodations from the airline or reimbursement thereof. Additional expenses incurred by the employee for hotel and meals, as well as additional expenses of a personal nature, incurred when an employee is forced to stay an additional night, are reimbursable. Air travel insurance is not reimbursable.

10.04 Meals

All meal reimbursements for travel will be done on a per diem basis. Breakfast is \$12.00, Lunch is \$18.00, and Dinner is \$30.00. Employees will no longer need to turn in receipts unless using a City-issued credit card. Employees may request an advance of per diem. Advance requests must be submitted to the Finance Department one week prior to travel to allow for processing.

10.05 Lodging

The City will pay actual expenses for hotels, motels, or other lodgings. Employees must use the reduced government rate or conference rate when available and utilize any discounts offered to the City, i.e., LaQuinta. Most hotels will not accept claims to a government rate after check-in. The City is not exempt from hotel taxes. The City will pay no more than the cost of a single occupancy room. If an employee shares a room with someone else that is not traveling on City business and the room cost is higher than the single room rate, then the bill must be adjusted for the difference in cost. Meals ordered through room service or consumed in the hotel restaurant will be covered by the per diem for meals and not the lodging expenses.

10.06 Tips

Guidelines for tipping should be based on the quality of service rendered. The City will reimburse reasonable gratuities. The following are our suggested guidelines:

- Airport porters \$1.00 per bag
- Hotel bellmen \$1.00 per bag
- Taxi drivers 20%
- Valet parking —up to \$2.00

Some hotels and restaurants include a gratuity in the price, in which case an additional tip is not necessary.

10.07 Expenses Not Allowed

Expenses not allowed to be charged on City credit cards or reimbursed to employees when traveling for City business include:

- Entertainment (i.e. in-room movies, live shows, tours, etc.);
- Alcoholic beverages;
- Laundry and valet services, unless approved by the City Manager;
- Rental car used for personal reasons;
- First-class airfare or luxury hotel rooms;
- Tips related to services of a personal nature and are not consistent with a business stay.

10.08 Local Expenses

Mileage reimbursement is available for local events directly related to City business, from City Hall or normal workstation to the event and back. For those employees receiving car allowance, mileage will be reimbursed per the guidelines above. Mileage will be reimbursed using the current IRS mileage rate, which is updated annually in January. For day conferences, and itinerary and an electronic map must be attached to the mileage reimbursement request.

Meal expenses incurred while attending local seminars or events will be reimbursed by the City provided the meal is an integral part of the seminar or event and is billed accordingly. Meals will not be reimbursed for trips/training that does not include an overnight stay unless the purpose of the meal is a meeting with non-City personnel.

Other food expenses for working lunches, workplace meeting or other business purposes is reimbursable provided that documentation of the expense, list of attendees, and business purpose is submitted, and the expense has been approved by the Department/Division Director/Manager.

The City will reimburse the employee for expenses incurred for parking, tolls, and calls to his or her City office while on local City business.

10.09 Compliance and Disciplinary Action

All travel-related expenses should be reasonable, necessary, and related to City business. Approval should be refused for any expenses that the approving Director does not consider reasonable and necessary or for which the employee cannot provide acceptable proof. Every Director having employees reporting directly, who incur travel and/or living expenses on behalf of the City of Forney, is responsible for instructing them with respect to City policies and instructions regarding expenses.

Appropriate disciplinary action may be taken against any employee who:

- Engages in conduct, while away on City business, that is damaging to the City's reputation; or
- In expending funds in connection with City business, makes fraudulent charges to the City's credit card.

10.10 City Vehicle Used For Travel

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

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

4. No passengers other than City employees or others on City business may ride in a City vehicle unless approved in advance by the Department Director or the City Manager.
5. No personal use of City-provided vehicles is allowed without the prior, written approval of the City Manager.
6. Maximum, economical, and efficient use shall be made of all City vehicles. Unnecessary driving is not permitted; employees will take the most direct route to, from, or between job assignments.
7. Persons assigned a City vehicle may utilize the vehicle for meal purposes and authorized breaks within the general locality where the employee is performing duties or reporting for assignments.
8. The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City-owned vehicles and/or equipment.
9. At no time may an employee under the influence of alcohol or illegal drugs drive a City vehicle or a personal vehicle while conducting City business. Employees (other than sworn officers assigned to the Police Department) may not carry firearms in City vehicles unless authorized by the City Manager.
10. Certain prescription medications may hinder an employee's ability to operate a vehicle safely. Employees who are required to drive a City vehicle and who are taking such medications must report it to his or her supervisor. The supervisor, in consultation with the Director of Human Resources, will determine if the employee had the ability to operate a City vehicle for the duration of time that the employee is taking his medication.
11. An employee who is operating a City vehicle or private vehicle on City business is required to pay for moving violations and/or parking citations for which he/she is responsible.
12. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
13. Employees must report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately. The employee is also responsible for the appearance and cleanliness (exterior and interior) of the vehicle.
14. All drivers must be eligible for coverage under the City's insurance policy.
15. Departments may develop additional directives for the operation and maintenance of vehicles assigned to their department.

16. Hand-held cell phone use, including texting, while driving a City vehicle is strictly prohibited. This provision does not apply to sworn officers assigned to the Police Department or other employees in a justifiable emergency situation.
17. Smoking is prohibited in city vehicles.

Employees involved in an accident while operating a City vehicle, or while operating a personal vehicle on City business, must immediately notify the proper law enforcement agency (if applicable) and his or her supervisor. The supervisor will notify the Department Director and the Director of Human Resources in a timely manner. Accident reports and any law enforcement report must be filed with the Department Director and the Director of Finance and Human Resources. Failure to give the proper notifications will result in disciplinary action, up to and including termination.

Employees must report all traffic convictions, moving violations, license suspensions, and/or revocations, whether incurred on or off the job, to their immediate supervisor within five (5) days of the violation or conviction. The City may, at any time, check the driving record of a City employee who drives as part of his or her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City any authorization required for this purpose.

10.11 Miscellaneous

Employees traveling to the same City should limit travel to one vehicle unless otherwise authorized by the department Director or City Manager. Vacation or personal trips in conjunction with travel shall require special authorization, and the expenses incurred in connection with the vacation or personal trip are not reimbursable. Personal transportation for such trips will be obtained and utilized if an employee takes an extended side trip. A City vehicle shall not be used for personal trips other than meals and incidental stops.

Travel and reimbursement forms should be completed promptly and submitted to the Finance Department in a timely manner.

Any travel expenses not addressed in these policies are subject to prior approval by the City Manager or Finance Director and should be essential to business travel.

Chapter 11: Employee Separations

Separation of employment with the City can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in workforce, or termination. When an employee separates from the City, their supervisor shall notify Human Resources and inform the employee to schedule an exit interview.

11.01 Types of Separation

1. **Resignation:** A resignation is a voluntary act initiated by the employee to end employment in "good standing" with the City. The employee must submit a signed and dated letter of resignation providing a minimum of two weeks' notice. If an employee does not provide advance notice or fails to work the remaining two weeks, the employee may be ineligible for rehire.
1. **Retirement:** Employees who retire under TMRS are required to notify their Department Director and the Human Resources Department in writing at least one (1) month before the planned retirement date per TMRS policy.
2. **Job Abandonment:** Employees who fail to report to work or contact his or her supervisor for three consecutive work days or refuse a legitimate order to report to work. The employee is considered to have abandoned the job without notice effective at the end of his or her normal shift on the third day. The supervisor or department director shall notify the Human Resources Department at the expiration of the third work day and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

If the employee is unable to contact his or her supervisor for any absence, he or she should ask a representative (such as a family member or friend) to do so on the employee's behalf. If the employee or a representative is unable to contact the City due to extreme circumstances (such as a medical emergency or natural disaster that prohibits the employee or his or her representative from contacting the City within three work days), the employee or his or her representative must contact the City as soon as practicable to explain the situation. In extreme circumstances, the employer will consider the explanation and its timing before determining if the voluntary resignation will be upheld.

3. **Termination:** Employees of the City of Forney are employed on an at-will basis and the City retains the right to terminate an employee at any time.

All non-civil service employees of the City of Forney are at-will employees, which means that they are not employed under a contract unless otherwise noted, and the City of Forney is free to dismiss them from employment at any time. The employee is likewise free to resign at any time.

Police and Fire personnel covered by Chapter 143, Civil Service are indefinitely suspended under the provisions of 143.051, unless non-disciplinary actions warrant dismissal.

The City Manager has the final authority to dismiss an employee. In some circumstances, the City Manager may delegate to the department head the authority to dismiss an employee. In all cases, however, the City Manager's signature or his designee's is required on all personnel action forms involving dismissal.

When appropriate, a regular employee may be given notice prior to dismissal of the reasons and evidence supporting dismissal and the opportunity to present to the department head or City Manager orally or in writing reasons why dismissal should not occur. At the employee's option, reasons may be presented to the appropriate officer either orally or in writing.

4. **Reduction in Work Force:** An employee may be laid off due to changes in duties, organization, lack of funds, or lack of work. If possible, at least two (2) weeks' notice shall be given to the employee prior to the layoff. Whenever possible, an employee laid off from one department shall be transferred to a suitable position in another department. 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. Layoffs shall not be considered disciplinary actions. Employees who are laid off may not appeal the lay-off decision through the appeal process.
5. **Incapacity:** An employee may be separated for incapacity for medical reasons when the employee, as an individual, no longer meets the standard of fitness required for the position. A finding of incapacity shall be made through individual medical determination by a competent physician as prescribed by the City Manager. Separation for incapacity shall not be

considered disciplinary action and shall not operate to deny any employee the use of any accrued illness, injury, disability, or other benefits.

11.02 Exit Procedures

1. **Return of City Property:** The separating employee must return all City property at the time of separation, including but not limited to uniforms, cell phones, keys, and identification badges.
1. **Exit Interview:** The separating employee shall contact the Human Resources Department as soon as notice is given to schedule an exit interview. The interview may be on the employee's last day of work or another day as mutually agreed upon.
2. **Final Paycheck:** The separating employee's final paycheck will be direct deposited unless City items have not been returned. Final paychecks may include applicable deductions and payouts. The separated employee's final pay stub will be mailed to the address on file unless other arrangements have been made.

11.03 Termination of Benefits

An employee separating from the City is eligible to receive benefits as long as the appropriate procedures are followed as stated above. Two (2) weeks' notice must be given and the employee must work the full two (2) work weeks unless otherwise authorized by the employee's supervisor.

1. **Accrual Leave:** An employee will be paid for any unused accrued paid time off except for sick leave and personal day(s). The payment amount will be included, generally, in the employee's last paycheck.
1. **Health Insurance:** Health insurance terminates on the last day of the month of termination.

11.04 Rehire

Former employees who leave the City in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Department and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resources Department or designee prior to rehiring a former employee. Rehired employees begin benefits

just as any other new employee. The previous tenure will not be considered in calculating longevity, leave accruals, or any other City benefit unless reinstatement occurs within six (6) months of the employee's resignation.

11.05 Bared from Employment

An applicant or employee who is terminated for violating City policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

11.06 Retirement

The City of Forney is a member of the Texas Municipal Retirement System (TMRS), which is governed by the State of Texas legislature. Participation in the system is mandatory for all regular full-time employees and regular part-time employees working the number of hours required by TMRS. Employee contributions to the System will be deducted from each paycheck. Employees who retire must notify their Department Director and the Human Resources Department in writing at least one (1) month before the planned retirement date.

Benefits Eligibility

In order for an employee to be considered retired with the City of Forney, the employee must be qualified for service retirement from TMRS immediately upon separation from the City. Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age.

Military service or previous government employment may contribute service credit toward earlier retirement.

- Participation in the City's health and dental insurance program ceases upon the date of eligibility for Medicare for the Retiree and dependents unless otherwise stipulated.
- To be eligible for retiree health coverage the employee must inform Human Resources, no later than the day on which the person retires from the City that continued coverage is elected.
- Dependents that are on the City's medical plan at the time of retirement may be maintained on the retiree medical plan. Retirees may not add dependents to insurance after retiring.
- The retiree is responsible for remitting the amount of the premium at the time specified to the Human Resources Department. If the retiree fails to

remit the required amount to the Human Resources Department by the time required, the coverage will terminate, and medical/dental/vision insurance coverage will cease.

- The City has approved a Supplemental Death Benefit Option with TMRS which provides a death benefit of \$7,500 for TMRS retirees.
- The City reserves the right to change this benefit and/or eligibility criteria at any time at the City's discretion. The policy is not intended to be a contract. Benefit changes to the City's group medical plan shall apply to retirees enrolled in the group plan.
- Once participation in the City's retiree insurance plan has been terminated for any reason, it shall not be reinstated.

11.07 Retiree Insurance

Employees retiring after October 1, 2016, may choose to remain on the City group insurance plan under the following conditions:

- The employee is retiring from the City of Forney under the Texas Municipal Retirement System (TMRS) eligibility rules with at least five (5) years of service with the City of Forney; and
- The employee must choose to stay on the City plan at the time of retirement.

The retiree is eligible to remain on the City group plan until the retiree is eligible for Medicare benefits.

For retirees with at least five (5) years of service with the City of Forney at the time of retirement, the City will contribute 50% of the monthly retiree premium. For retirees with at least twenty (20) years of service with the City of Forney at the time of retirement, the City will contribute 75% of the monthly retiree premium. Premiums must be paid to the Human Resources Department by the 5th of each month to avoid cancellation of the policy enrollment.

Chapter 12: Social Media Policy

12.01 Purpose

The purpose of this policy is to outline the protocol and procedures for the use of social media to publicize official city services and events and address the responsibilities of individual employees and city staff with regard to social media and the use of city resources (time/equipment), as well as responsibilities related to public records.

Definition

For purposes of this policy, "social media" shall mean official City of Forney websites and all forms of online community activities such as online social networks (e.g., Facebook), professional networking websites (e.g., LinkedIn), message boards (e.g., Twitter), video sharing (e.g., YouTube), blogs, Wikis, chat rooms, and online forums.

12.02 Official City Social Media Sites

- Official social media sites/pages representing the City of Forney, including any of its departments, will be the property of the City of Forney. Accounts must be registered through the Director of Communications and Marketing.
- The Director of Communications and Marketing will be responsible for oversight of the City of Forney's social media formats including:
 - Authorizing social media formats; Maintaining a list of social media domains, account logins,
 - and passwords and changing passwords if an employee is no longer designated to update content on a social media site(s);
 - and Monitoring site activity and ensuring content is in line with the goals and objectives of the City.
- Social media formats must meet one or both of the following purposes:
- Provide residents of Forney information about City events, activities, and issues.
- Promote the positive aspects of the City of Forney to those in and outside the community.
- Serve as a utility for the City of Forney and its employees.

- The city's website, www.forneytx.gov, will remain the official location for content regarding City business, services, and events. Whenever possible, links within social media formats should direct users back to the City's website for more information, forms, documents, or online services necessary to conduct business with the City of Forney.
- City departments desiring to establish a social media site/page must obtain written permission from the Director of Communications and Marketing.
- Requests must include:
 - Purpose for the site and intended content to be posted/shared, including the primary audience to be served;
 - Indication of how often the site's content will be reviewed and updated to ensure material accuracy and appropriateness.
 - Identification of individual(s) responsible for managing/overseeing and corresponding with the public (employee's name and position must be included) as well as indicating what provisions will be made if the responsible party leaves the position or is absent.
- Only designated department employees approved by the Director of Communications and Marketing will have the authority to publish content on official social media sites/pages of the City of Forney.
- Departments are responsible for responding to public commentary, inquiries, or complaints.
- Communication through social media is a public record. Both the posts by City employees and any feedback by others will be part of the public records of the City of Forney and will be subject to the Texas Public Information Act (Chapter 552 of the Texas Government Code). All City of Forney social media accounts must be connected to the city's social media archiving service.
- Content posted by "friends," "followers" or "fans" will not constitute a representation, agreement, or endorsement on the part of the City of Forney. The Director of Communications and Marketing reserves the right to delete any comment or post that is deemed inappropriate, malicious, offensive, threatening, profane, or insulting. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, disability, national origin, or sexual orientation will not be permitted. Users who violate these guidelines may be blocked from posting commentary to the City of Forney's social media sites/pages.

- Any comments posted by external parties on the City of Forney's social media sites are not official public testimony concerning any project or program. An opinion expressed on a City of Forney page is posted for discussion only and is not a substitute for a formal statement in a public hearing process.
- If a question arises regarding the use or posting of confidential information (e.g., litigation, investigations, etc.) on a social media site, the matter shall be referred to the City Attorney for review. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by the City Attorney. The City Manager or designee reserves the right to restrict or remove city information from an official City social media site if the City Manager believes that the information does not serve the best interests of the City.

- Each official City of Forney social media site/page must include a disclaimer that contains the following information:

"The City of Forney maintains multiple social media channels in an effort to provide information to those inside and outside of the community. Interaction with city-sponsored social media channels are governed by this social media policy that provides guidance on the use of these channels by the public. The following are terms of use governing content posted on city-sponsored social media channels. The City of Forney reserves the right to restrict or remove any messages or postings with the following content:

- Use of vulgar, offensive, threatening, or harassing language.
- Content that promotes fosters, or perpetuates discrimination on the basis of race, religion, age, gender, marital status, sexual orientation, or mental or physical disability.
- Content that infringes upon copyright, trademark, or any registered mark.
- Obscenity. The content, or any material contained in it, contains obscene matter or any other matter that is prohibited under the provisions of Section 43.23 of the Texas Penal Code.
- Unlawful goods, services, behavior, or activities. The content, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods, services, and behavior or activities.
- Support or opposition of any ballot issue or candidate for office.
- Violence. The content, or any material contained in it, contains an image or description of graphic violence, including, but not limited to: (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices associated in the advertisement with an act or acts of violence or harm on a person or

animal.

- Comments unrelated to the topic of the forum; hyperlinks to material that is not directly related to the discussion.
- Spam or commercial promotions; content containing any unsolicited or unauthorized advertisement or solicitation (i.e. spam, junk mail, chain letters, pyramid schemes, or other promotional materials).
- Promotion or advertising of any businesses or commercial enterprises, unless they are providing support to city services.
- Posts or links that contain malicious software (malware) such as viruses, worms, trojans, rootkits, spyware, adware, or any other unwanted software."
- Any unsolicited or unauthorized advertising or promotional materials of non-City services or programs, with the exception of organizations partnered with the City, will not be permitted.

12.03 Appropriate Use

The lines between public and private, personal, and professional can become blurred in online social networks. With that in mind, below are guidelines for use by City employees when participating in social media.

- Use of Social Media at Work
- Social media access and use involving City equipment and resources are subject to Section 6.02 of this manual.
- All City-related communication through social media outlets should remain professional in nature. Incomplete, inaccurate, inappropriate, threatening, demeaning, harassing or poorly worded postings may be harmful to other employees, damage employee relationships, create hostile working environments, violate City of Forney policies, or harm the City's reputation. Such wording will be removed by the City Manager or his designee at his or her discretion. Employees bear full responsibility for the material they post on social media sites. Inappropriate usage of social media can be grounds for disciplinary action, up to and including termination.
- Public messages relating to City of Forney activities on social media sites and/or any messages that might act as the "voice" or attempt to reflect the views of the City of Forney must be approved by the City Manager or his designee.
- Employees may not ignore copyright laws or cite or reference sources inaccurately. Plagiarism is prohibited.

- All information published on social media sites must comply with the City of Forney's privacy and/or data policies. This includes comments, pictures, video, audio, or any other multimedia posted on social networking sites, blogs, and forums.
- Employees are discouraged from discussing information about the City's employees, citizens, vendors, issues, business, or legal matters without express consent to do so.
- The City of Forney reserves the right to monitor employee use of social media sites accessed during work hours on City equipment. Users should have no expectation of privacy or confidentiality when using these resources.

12.04 Use of Social Media at Home

While the City of Forney encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of the employees may become a concern if they have the effect of impairing the work of any employee; disrupting the smooth and orderly flow of work within the office, or harming the goodwill and reputation of the City among its citizens or in the community at large. In the area of social media, employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above. For this reason, the City of Forney reminds its employees that the following guidelines apply in their use of social media, both on and off duty:

1. Information that is published on such personal online sites should never be attributed to the City of Forney and should not appear to be endorsed by or originated from the City of Forney.
2. Employees engaging on personal social media platforms should not use their city e-mail account or the City's name, logos, or pictures of the employee in a City uniform, incorporate the City in their identity (e.g., username, "handle," screen name or profile picture), nor should they speak as a representative of the City of Forney.
3. Any person identified as an employee of the City of Forney on a publicly accessible site is expected to maintain a positive online image that is consistent with the City's goals and objectives.
4. Employees, who choose to list their work affiliation on professional networking sites, should regard all communication on that network in a professional manner.

5. Individuals contributing commentary to a blog or other social media site who identify themselves as a City employee are asked to provide a clear disclaimer that the views expressed are the author's alone, and do not represent the views of the City of Forney.
6. Employees should be mindful that connections made with other City employees on personal social networking sites may have an impact on working relationships, whether or not an individual chooses to associate their employment with the City in their personal online networking activity.

12.05 Enforcement

The City of Forney reserves the right to remove content that is deemed in violation of this policy or any applicable law. Violations of this policy may result in the immediate revocation of any or all electronic communications access and user privileges and may be grounds for disciplinary action up to and including termination. Certain violations could result in civil or criminal liabilities for the user.

12.06 Media Relations Policy

The City of Forney seeks to inform its citizens and others by engaging in proactive communications. The news media and the City both play important roles in keeping the communities they serve informed. The City is committed to maintaining an ongoing positive and dynamic working relationship with the media.

To standardize the City's communication with the media and assure that information about the City and its policies, practices, programs, and activities are communicated properly and reported accurately to the media, the following policy will apply:

12.07 Types of Media Communication

This policy covers all communication to the news media including news releases, media advisories, formal statements, interviews, press conferences and briefings, letters to the editor, opinion pieces, technical announcements, and other information or material given to a news media representative, a collective term that includes, but is not limited to reporters, editors, and writers for newspapers, magazines, scientific journals, trade publications, radio or television stations or networks, online news services, and any other electronic or print media related to news distribution that could serve as an information outlet.

12.08 Media Relations

The Director of Communications and Marketing will coordinate media relations for the City and act as the official news source and principal contact for all communication between the City and media representatives. As appropriate, the City Manager may designate Department Directors to communicate with the media within their areas of responsibility and expertise. Other staff should refer media requests to their Department Director or the Director of Communications and Marketing without comment.

Media representatives are asked to place their requests through the Director of Communications and Marketing in order to expedite a prompt and coordinated response.

The City Manager's Office and the Director of Communications and Marketing must be notified of all potentially sensitive, contentious, or controversial media inquiries with respect to City activities. The City Manager's Office and the Director of Communications and Marketing will promptly identify the appropriate spokesperson and arrange for an interview or statement.

12.09 Responding to Media Inquiries

The Director of Communications and Marketing is the City's primary media contact. If employees receive an inquiry from the media for an interview, to provide statistics, or write an article on behalf of the City, employees should get the reporter's name, phone number(s), deadline, and an idea of his or her area of interest. Before responding, the employee should refer the inquiry to the Director of Communications and Marketing. (Certain exceptions apply to the Fire and Police Departments - see below) This enables the Director of Communications and Marketing to determine which individual in the City should respond to the inquiry, to make certain that consistent information is being disseminated, to stay abreast of areas of media interest, and to prepare for future inquiries.

12.10 Public Safety Issues

The Police and Fire Departments can generate a high volume of media calls and should have a designated media spokesperson that follows specific guidelines when releasing information. All information released to the media by the Police and Fire Departments must be provided immediately to the City Manager's Office and the Director of Marketing and Communications. When reasonable, the information should be provided to the City Manager's Office and Director of

Communications and Marketing prior to release. Media calls to other City staff regarding a Police or Fire issue should immediately be referred to the Police or Fire Department. Press releases issued by the department or media inquiries that do not involve major incidents shall follow the procedures outlined in this policy pertaining to routine inquiries and press releases.

City Initiated Information

Most proactive media contact is initiated through the Marketing and Communications Department. This includes issuing press releases, media advisories, and personal contacts with reporters and editors for coverage. Departments seeking publicity for events or activities should submit the information to the Marketing and Communications Department no less than 24 hours before distribution or as much in advance as possible to ensure the best media coverage of their activities. Departments may not initiate news media contact before notifying the Director of Communications and Marketing.

Opinion Pieces and Letters to the Editor

It is recognized that all employees have the right to their opinions regarding any issue. However, personal opinions may conflict with the City's official policy. Therefore, City employees who write letters to the editor or any other type of opinion piece may not use official City stationary, or City equipment or transmit it via a city-issued email account. If an employee chooses to identify himself or herself as a City employee in any personal communication to the media or if the association with the City is implied, he or she must include language which states the views set forth in the communication do not represent the views of the City, but rather, are the employee's personally held opinions:

"This (letter, article, editorial, etc.) contains the thoughts and opinions of (employee name) and does not represent the official policy of the City of Forney."

Similar disclaimers must be present when an employee addresses a public meeting, participates in a radio talk show, or is interviewed for a radio or television program unless the employee is officially representing the City. Employees who are representing the City in any of the above formats must identify themselves as an official spokesperson for the City.

Litigation, Personnel, and Election Issues

Inquiries regarding election and campaign issues, pending litigation, matters involving a significant exposure to litigation, and certain personnel-related information should be referred to the Communications and Marketing Department.

Crisis or Emergency Issues

Timely release of breaking news and information during crises, such as natural disasters or other situations involving public health and safety, often requires swift publication and/or dissemination of information in support of public confidence. The Department Director may issue a brief statement or media advisory to the news media in place of a news release. At a minimum, the Department Director must provide the Communications and Marketing Department with copies of any such release of information concurrent with its release to the news media. It is preferable, however, to notify the Director of Communications and Marketing prior to the release if that does not adversely impact the health and safety of the public.

Chapter 13: Technology

13.01 Management of Information Systems

This policy governs the use of the technology resources owned and operated by the City of Forney by employees, volunteers, vendors, contractors, and all other authorized users. Technology includes, but is not limited to, desktops, laptops, mobile devices, networking equipment, networked devices, servers, software, electronic mail, phones, cellular phones, control systems, Internet, Intranet, and all other electronic systems or devices under the control and authority of the City.

For purposes of this policy, the following definitions shall apply:

1. Improper Material – Pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are racist, sexually suggestive, sexually/racially demeaning, pornographic, offensive, intimidating, harassing, disparaging, and/or hostile on the basis of age, disability, gender, national origin, race, color, religion, or any other legally protected characteristic.
2. Information Technology Director – The Director of Operations of the City of Forney or his or her designee.
3. Department Head/Department Director – The head of an administrative department of the City of Forney or his or her designee.
4. Employee – For purposes of this policy, an employee is defined as an individual employed by the City on a full-time, part-time, seasonal, temporary, or internship basis.
5. Mobile Device – This means a device intended to be portable, carried on one's person, or readily moved from location to location, such as smartphones, cell phones, radios, laptops, tablets, and others.
6. Authorized User – An authorized user is a current employee, contractor, vendor, or another party who has been granted lawful access by the Information Technology Director to the City of Forney network, applications, or services.

Procedures

Authorized Use

The City's electronic communications and technology resources are provided for the purpose of conducting City business. Personal usage is permitted as long as the personal use is reasonable and prudent. Responsibility and accountability for the appropriate use of City electronic communication and technology resources ultimately rest with the individual employee. Improper use of the City's electronic communications and technology resources may result in disciplinary action, including termination.

Privacy

No user accessing or using computers or telecommunications resources owned and/or operated by the City of Forney can have any expectation of privacy. The City of Forney reserves the right to monitor, intercept, archive, view, or distribute any communications and/or content transmitted over resources that it owns, leases, or operates subject to all applicable laws.

- IT Staff may be required to access any and all material located on those resources.
- Department Heads may request Technology to monitor employee use of the Internet and email and may revoke an employee's access to the Internet and/or email by notifying the Information Technology Director.
- Authorized users must be aware that any digital record residing on a city-owned device may be subject to lawful open records requests. In addition, any data regarding City business stored on a personal device or file-sharing service is also subject to lawful open records requests. Employees who create or receive information related to City business on a personal device shall cooperate with IT staff and/or the City Secretary's Office to provide access to such devices for the recovery of such City-related information in accordance with state law and the Public Information Act.

Resource Access Requirements

Work Product

- No employee shall use the Internet or email to present his or her own personal views, ideas, questions, or actions, as representing the positions or policies of the City unless doing so in an official capacity and authorized by the City Manager or his or her designee.
- Unless otherwise specified by contract, any work produced by a vendor, contractor, or third party acting as an agent, consultant, or contractor to the City, is the property of the City, and employees shall take steps to ensure that such property is properly stored on City resources to prevent loss.
- No employee shall use any City-owned equipment or resources in violation of any applicable law.

Identity

- Each person authorized to access the City of Forney's computer and network resources must do so using a unique username (login name) assigned by the IT Department. The use of group accounts will be limited to only those circumstances approved by the Information Technology Director. Employees shall not share their account information or permit other employees to log in using their credentials except properly identified members of the IT Department. Electronic communications authored by the employee must clearly originate from the user's unique account.

New Employees

- The HR Department will notify the Information Technology Department at least seven working days prior to the start date of any new employee or authorized user who needs access to the City's electronic resources, so that appropriate access can be provided on a timely basis.
- It is the responsibility of each Department Head to immediately notify the HR Department in the event of the termination, resignation, or retirement of any employee within their department who previously had access to City computers and/or network resource so that such employee user accounts may be removed.

Remote Access to Resources – The City maintains various systems to permit users to access internal systems from non-secured locations, like the Internet. These services are intended to augment the productivity of employees.

- Employees must take extra precautions when accessing City resources from non-city devices. The use of a virus scanner is required.
- It is the responsibility of the employee using the remote access facility to ensure that unauthorized persons cannot utilize their account to gain access to City resources. Employees are not to provide their passwords to anyone, including family members.
- Users must understand that attaching their personal device or computer to City resources may impose a possibility of open records access responsibility. This means you may be required to provide records from your personal device or submit your personal device to a search for either open records or legal requests if it accesses City systems.
- Unless specifically authorized by their department head, non-exempt employees may not use electronic devices to conduct City business outside their normal working hours.

Data Storage

Employees should not store information exclusively on the local drive of a PC or laptop or tablet. By storing the file outside of the network or cloud storage provided by the City, the data is neither searchable nor backed up. Employees are instead required to utilize network drives, City provided cloud storage, or City-owned content management systems for the purposes of data storage.

- Internet – It is the policy of the City of Forney to offer connectivity to the Internet for employees requiring its use as a part of their normally assigned duties. The purpose of this policy is not to discourage the use of the Internet, but to provide a uniform approach to the usage of this resource, to safeguard City interests in the use of the Internet, to meet all applicable laws, and to protect the assets attached to City networks from unauthorized access. The City of Forney reserves the right to monitor Internet usage on City-owned and City-

connected devices including reviewing all sites that are viewed by the employee's browser and the amount of time spent at each site.

- Appropriate Use of Internet Resources – All City-owned Internet resources are to be used only in pursuit of appropriate City business interests.
- Bringing improper material into the work environment or workplace, possessing any improper material at work to read, display, or view at work, or otherwise publicizing it in the work environment is prohibited.
- No employee shall connect to any website that contains improper material (Exception: sanctioned Police Department approved by the Police Chief and Information Technology Director performing assigned investigative work). The City reserves the right to block employees' access to such websites.
- No employee shall operate or advertise any non-City business on the Internet using City equipment at any time.
- Personal email messages or other non-City-related usages of Internet resources should be held to a minimum, as with telephone calls. Personal Internet usage or usage of electronic devices should not impede the conduct of City business; only incidental amounts of employee time comparable to reasonable coffee breaks during the day should be used to attend to personal matters. Questions regarding the extent of this policy should be discussed with departmental supervisors. Personal use of Internet resources is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- All employees shall use their City-assigned email address during the performance of their assigned job duties. No private or "ghost" accounts shall be used, except by network administrators as part of their function (e.g. account names like "Webmaster," "Postmaster," "root," etc.) and special investigations. All requests for exceptions to this policy must be approved by the Information Technology Director.
- Email received from citizens should be handled with the same seriousness as any other form of citizen contact. Employees should always maintain professional decorum in their responses, seek approval from supervisors where appropriate, and reply to messages promptly.

- Unless specifically approved by the Information Technology Director, all Internet email transmissions shall be routed through the official City gateway service. No department or employees shall operate within City networks any email servers, mail forwarding services, or other email transmission or reception services for use by any person or automated system.
- Internet traffic will be filtered to prevent access to inappropriate sites and those deemed detrimental to network services.

Personal Device Usage

The City of Forney reserves the right to disconnect or prevent connection to City network resources of any device, by any user, at any time, or for any reason, without any notice whatsoever.

- The employee attaching their personal device to a City network resource assumes full liability for any risks, including, but not limited to, partial or complete data loss, errors, bugs, hardware loss or damage, viruses, malware, or any other issue which may damage the device, in any way whatsoever. The employee assumes all risk by connecting to the resource.
- The Information Technology Director, or designee, shall be solely responsible for determining which devices may be connected to City resources. Employees should contact the IT Help Desk to determine whether their device is eligible and to obtain proper user credentials for their device.
- Support – The IT Department will provide support for network connectivity issues. However, hardware and software support for personal devices will not be provided.
- Reimbursement – Connection to City-owned network resources is provided to employees as a convenience only. The City will not reimburse any expense, partial or otherwise, for any usage of a personal device, including cell phones, regardless of purpose.
- Personal Device Security
- Employees that have been issued a City owned cell phone for their use shall not forward calls to any personally owned device.

- Rooted or “jailbroken” devices will not be permitted to connect. By jailbreaking a phone, the user is altering the phone operating system in a way unsupported by the device manufacturer (e.g., Apple), usually to install unsupported software which can open security holes.
- Users of personal devices must follow all City policies with respect to acceptable use while attached to City network resources.
- Employees must be aware, that the conduct of City business, or use of City data on any personally owned device, may expose that device and the employee to legal obligations with respect to municipal open records requirements.
- The employee is responsible for backing up all data on their device.

Communications Network

No employee or other person shall install or move any network device onto the City communications network under any circumstances whatsoever. Only members of the IT Department are permitted access to such equipment.

- No employee, contractor, or third party may install any device or software intended to monitor, capture, or eavesdrop upon, any portion of data traversing the City Network, except members of IT.
- Employees shall not attach any form of personal network equipment including, but not limited to, switches, routers, or modems to any City network.
- No employee will permit any third party to connect any device to any Ethernet jack or wireless service without the express permission of the Information Technology Director or designee unless service is specifically provided for such purpose.
- No employee shall install or operate any equipment or service which has the effect of redirecting or proxying any network traffic to or from any other network or disguising the source of any network transmission.
- No employee shall permit any contractor or third-party access to any City-owned network system or device without the approval of the Information Technology Director or designee.

Software and Hardware

The City is committed to preventing copyright infringement. It is the policy of the City of Forney to respect all computer software copyrights and to adhere to the terms of all software licenses to which the City is a party. The City is subject to all copyright laws pertaining to the use of copyrighted software and documentation. Unless expressly authorized by the software licensor/developer, the City of Forney has no right to make copies of the software except for backup or archival purposes.

- All software used on a City computer must be licensed to the City for that computer.
- Employees may not install any software not provided to them by the IT Department without specific authorization by the Information Technology Director or designee.
- City employees shall not duplicate, copy, or reproduce any software purchased by and/or licensed to the City or any related documentation without prior written approval from the Information Technology Director. City employees shall not give City-purchased or licensed software to any non-employees, including, but not limited to, clients, contractors, customers, and others, without prior written approval from the Information Technology Director.
- Software developed by employees on City time, on City-owned equipment, or for City projects shall be the property of the City. Such software is for the exclusive use of the City, its officers, agents, and employees. Such software may not be sold, transferred, or given to any persons without the prior written approval of the City Manager or designee.
- Software must be registered in the name of the City and the IT Department. Software shall not be registered in an individual employee user's name.
- All software and hardware must be purchased through the Technology Department, and administrative-level access provided to the Information Technology Director or designee.

Mobile Devices, Cellular Telephones

Certain employees may, depending on job functions, be assigned a City-owned mobile device.

- The City Manager or Director is responsible for the following:
 - Approving requests for cellular phones and other wireless communications devices from their respective subordinates;
 - Ensuring that requests are in conformance with the procedures outlined herein or those exceptions are justified;
 - Ensuring that all persons assigned a City-owned cellular telephone, electronic paging device, and/or other wireless communications device are provided access to a copy of this policy and that the employee is in compliance with it;
 - Conducting periodic inventories of cellular telephones, electronic paging devices, and other wireless communications devices within their respective departments to ensure accountability;
 - Conducting annual reviews of assigned devices to determine if such assignments continue to be justified; and
 - Informing appropriate employees responsible for City communications of all reassignments of cellular telephones and/or other wireless communications devices.
- Employees who are assigned the use of City owned cellular telephones, electronic paging devices, and/or other wireless communications devices are responsible for the following:
 - Ensuring the physical security of such devices, including the active use of passcodes, passwords, and prevention of misuse by others; and
 - Ensuring that any personal use does not detract from the employee's availability for the completion of assigned duties.
 - Notifying the Director within 24 hours of any lost or stolen City-owned mobile device. The Director should then immediately notify the Technology Department.
- Security – It is the responsibility of every employee to operate all City telecommunications, computers, or other electronic equipment in such a way as to minimize the risk of unauthorized access to, or loss of, any City resource by any other party, to ensure that City

resources are not misused by any other person, and to act so as to protect the integrity of the data and resources of the City.

- Password Policy – Each employee (who uses computers) must have a unique password. Passwords must not be written down where they can be found by unauthorized personnel or shared with other individuals. It is the responsibility of the employee to maintain the secrecy of their passwords.
- All employees shall immediately report any unauthorized access or unauthorized access attempt, viral infection, spyware infection, or other unauthorized or illegal resource use to the Information Technology Director or his designee.
- Employees shall not download or install any software of any kind, whether from the Internet or any storage device or media to any City-owned computer without the prior consent of the Information Technology Director.
- Employees who use a computer in the execution of their assigned job duties will be required to participate in assigned annual security training. Failure to attend training or maintain the standards required by the training may result in Information System account suspensions and/or disciplinary action.

Chapter 14: Drug & Alcohol Testing Guidelines

The City maintains a firm commitment to providing a safe work environment free from the effects of illegal drugs and alcohol as well as the abuse of legal/prescription drugs. It is a violation of this policy to refuse to consent to testing or to test positive for alcohol or illegal drugs. Violations of this policy will result in severe disciplinary action, up to and including termination of employment. This policy applies to all employees including Department Directors and Executive staff.

14.01 Pre-Employment Applicant Testing

The City will not knowingly hire applicants under the influence of drugs and/or alcohol. Applicants who test positive or fail to submit to a timely post-offer drug test won't be hired and are ineligible to apply with the City for two years from the date of the positive test or violation. Departments may have a more restrictive ineligibility time frame. Department Directors shall not allow an applicant to begin work until they have received confirmation from the Human Resources Department that the prospective employee has tested negative for drugs.

Testing Required. 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 with the City. Applicants who refuse to test or alter or attempt to alter or tamper with a sample will not be considered further for employment.

Confidentiality of Results. All applicant test results shall be collected and maintained on separate forms and in separate files and be treated as a confidential medical record and shall be accessible only by the City Manager, Human Resources Director, or their designees. The results shall be the private and confidential property of the City and will not be shared with anyone except the applicant, or others who have a need to know about necessary restrictions and accommodations on the work or duties of the applicant if hired, or as legally required by court order or otherwise, or to legally protect the interests of the City.

14.02 Post-Accident and Post-Injury Testing

Employees including full-time, part-time, seasonal, and temporary are subject to post-accident and post-injury testing. Immediately following an accident, the employee is required to submit to alcohol and drug testing. Any accident in a City vehicle will require substance abuse testing. Adherence to post-accident guidelines is a condition of continued employment.

For the purpose of this policy, an **accident** refers to:

- An on-the-job accident or incident where any person who suffered an injury that is reasonably expected to require medical attention, or who contributes to the injury of another person;
- Employees who discharge a firearm in violation of any department, federal, state, municipal, or local rule or regulation, and/or that result in bodily injury or property damage will be tested for drugs and alcohol within the time frames outlined in this policy.
- Any damage to City vehicle, equipment, property, or premises.

If there is no reasonable suspicion other than the accident, an employee who has submitted to a drug or alcohol test following an accident or injury may be allowed to return to his or her normal work duties, at the discretion of the supervisor. If a supervisor suspects possible impairment, the supervisor shall ensure that the employee is taken home. If the employee refuses transportation and insists on driving, law enforcement may be notified. Nothing in this policy should be construed to require the delay of necessary medical attention for an injured employee following an accident/injury. An employee may leave the scene of an accident for the period necessary to obtain medical assistance or obtain necessary emergency care. If immediate medical attention or hospitalization is needed, the supervisor responsible will request that drug/alcohol tests are done along with necessary treatments.

EXCEPTIONS to post-accident testing:

The following circumstances are exceptions to required testing unless there is other evidence to give reasonable suspicion:

- a. The vehicle is properly and lawfully parked and is hit by another vehicle;
- b. The vehicle is damaged by flying debris, i.e. rocks, etc.;
- c. Underground pipes, cable, or other underground utilities are hit

- during excavation;
- d. Damage to public safety vehicles or equipment during non-driving emergency operations
- e. Tire disablement without additional damage; or
- f. It can reasonably be deduced by the facts of the incident that the employee had not used alcohol or any drugs.

14.03 Reasonable Suspicion

Employees will be tested for illegal and unauthorized drug and/or alcohol use after a workplace injury or accident or "near miss" when reasonable suspicion exists or in connection with any required treatment or rehabilitation.

For purposes of this policy, "**Reasonable suspicion**" is a belief based on articulable observations sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs and/or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific, observable facts in support of reasonable suspicion testing (e.g. the who, what, when, and where of the employee's behavior and other symptoms, statements from other employees or third parties, and any other evidence supporting the reasonable suspicion testing).

Any of the following, alone or in combination, may constitute reasonable suspicion:

- Sensory observation of alcohol or drug use;
- Apparent physical state of impairment;
- Incoherent mental state;
- An accident involving City property that may or may not result in injury to the employee or to other employees which may or may not require medical attention;
- Deteriorating work performance that is not attributable to other factors;
- Behavior that is so unusual that it warrants summoning a supervisor or anyone else with authority;
- Possession of alcohol or drugs and/or drug paraphernalia;

- Information obtained from a reliable person with personal knowledge.
- 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 and to the extent possible, will 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 will result in disciplinary action up to and including termination of employment.

The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation.

If reasonable suspicion testing is requested, the following steps shall be followed:

STEP 1

When reasonable suspicion is identified by a supervisor, the employee will be questioned and observed by a Department Director or Human Resources employee. The supervisor and Department Director shall document in writing the observed behavior. The Department Director shall contact the Human Resources department for reasonable suspicion authorization. In the event that the Human Resources Department is unavailable, the Department Director shall contact the City Manager's office.

Right to Search Property: Upon reasonable suspicion, the City may search City-owned property, vehicles, desks, closets, or lockers for alcohol or drugs. If the employee has a personal lock on the locker, the employee shall be given the opportunity to remove it when possible. If the lock isn't removed, the City shall cut the lock off.

STEP 2

If the evidence indicates that the employee may be under the influence, and the Department Director has received authorization from the Human Resources department or the City Manager's Office, the supervisor, Director, or designee shall drive the employee to the medical facility and wait for testing to be completed. If the results are positive, the employee will be taken by the supervisor or designee to a city medical facility for a follow-up test. Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management will result in termination.

STEP 3

If the drug test results are positive, the employee will be provided transportation home. If the employee refuses and demands to drive their vehicle, the employer may notify law enforcement depending on the circumstances. If the test results are negative, the employee may return to work.

Information obtained through this testing will be treated with strict confidentiality.

Fire and Police Department Reasonable Suspicion

The Fire or Police Chief may direct any employee of their respective departments to submit to a drug and/or alcohol test immediately. The Human Resources department shall be notified as soon as possible, but no later than 24 hours after the employee was tested.

Consequences

An employee, who tests positive for drugs, fails to submit to testing when requested, required, or ordered to take any of the tests listed in this policy, or in any way violates any of the prohibitions listed in this policy shall be terminated immediately, even for a first offense. Failure to report to the collection site in the time allotted (travel time plus 30 minutes) will be considered a refusal to take the required test.

The Forney Police Department and other applicable law enforcement agencies shall be notified, as appropriate, where criminal activity is suspected.

Suspension without pay for the duration of the investigation may be applied to any employee who is the subject of an alcohol or drug-related inquiry by the City or any other law enforcement agency.

An employee who fails to provide an adequate volume of a breath or urine for testing, without a valid medical explanation, shall be deemed to have refused to submit. An employee terminated for violation of this policy may not appeal the termination.

14.04 Substance Abuse and Testing

Prohibition of Personal Use

Employees shall not use or have present in their body or on their person, alcohol, illegal drugs, intoxicants, or any other prohibited substances when reporting to work or while on duty. Employees shall not be under the influence of or have the odor on their breath or clothes of alcohol, illegal drugs, intoxicants, or any other prohibited substance when they report to work or while on duty. Employees shall not have alcohol, illegal drugs, intoxicants, or any other prohibited substances in City vehicles or equipment or on City premises.

Prescriptions and Over-the-Counter Medications

All employees who are using a prescription or non-prescription drug which may adversely impact their job performance must notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability.

The department director may require a doctor's statement if the employee indicates that there is a need to use the prescription drug for an extended period. The department director may request written medical authorization showing the employee may possess/use such medication, that it was used in the prescribed manner, and showing the employee is fit to perform assigned duties. In such instances of temporary impediment (for the shift) to safely perform their regular duties, the employee may be temporarily reassigned to non-hazardous duties if such duties are available under this policy or under other personnel policies applicable to such department or employee, or allowed to take sick leave if available, and then vacation leave if available, or placed on leave without pay. If any employee or supervisor has any questions with regard to this policy, he/she shall immediately report to the Human Resources Director. All doctor's statement(s) and related medical information shall be maintained in a separate medical file in the Human Resources Department.

Exception to the use or consumption of prescribed medication while on City business or on city property may be granted if (1) the medication is prescribed for the user by a licensed physician or (2) the substance is being

used as prescribed by the licensed physician.

Prohibition of Distribution

Employees shall not sell, possess, provide, dispense, distribute to other persons, or unlawfully manufacture any alcohol, unauthorized prescription or illegal drugs, intoxicants, or other prohibited substances while on duty, stand-by, on meal or break periods, on City premises or work site, operating a City vehicle, or in a City uniform. In addition, the City prohibits the off-premises abuse of alcohol and controlled substances when those activities adversely affect job performance, jobsafety, or the City's reputation.

Drugs and/or Alcohol Test

On-duty employees shall not refuse to submit to a drug and/or alcohol test when requested, required, or ordered to submit by a person having the authority to do so.

Alcohol Testing Limits. If the alcohol content of an employee either by blood, breath, urine, or other method is less than .02, the employee may return to work. If the alcohol content of an employee either by blood, breath, urine, or other method after the initial and confirmation tests are completed the employee is placed on administrative leave and will not be allowed to drive a vehicle from the premises.

Training or Conferences

Employees attending training and conferences may participate in social functions associated with the conference, including responsible consumption of alcohol if the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions shall follow the law and shall not operate City-owned vehicles and are discouraged from driving personal vehicles after the consumption of any level of alcohol. If the employee needs assistance with transportation, they must contact any available City representative who may arrange alternative transportation.

Conviction

Employees who are arrested and charged with any alcohol or drug offense, DWI/DUID, must notify their supervisor and the Human Resources Director or designee within 24 hours after the arrest. Failure to do so may result in disciplinary action up to and including termination. Additionally, the Human Resources Department requests a semi-annual Driving History Report from the Texas Department of Public Safety on all employees. Employees who have failed to report a DWI/DUID which resulted in the loss of their driving

privileges and continued to drive a City vehicle/equipment will be terminated.

Supervisor and Director Responsibility

Supervisors and Directors are responsible for consistent enforcement of this policy. A supervisor/manager/director who permits a violation of this policy, who is found to have misused this policy in regard to subordinates, who violates the confidentiality standards of the policy, or who has actual knowledge that an employee has violated any of the prohibitions of this section and allows him/her to report for or continue on duty, shall be subject to severe disciplinary action, up to and including termination.

On-Call/Emergency Call Back

Employees who are in an on-call status are prohibited from consuming alcoholic beverages or using drugs that may impair performance if called back to work. The City recognizes that employees who are not designated as "on-call" may be asked to report for emergency or unexpected duty. Before reporting for duty, employees shall disclose to their supervisor whether they have used alcohol or other substances, including prescribed or over-the-counter medications that might affect their ability to drive to work and/or perform. Employees subject to continuous emergency call back are required to declare to their supervisors the use of alcohol or controlled substances, including prescribed medication, that might affect their ability to perform during the emergency. The supervisor will advise those employees not to report to work. Employees shall decline such calls for emergency duty without being subject to disciplinary action. In no event shall employees reporting for emergency duty be under the influence of alcohol or other substances that cause impairment.

Reasonable Suspicion

A referral for reasonable suspicion testing will be based on specific, contemporaneous observations concerning the employee's appearance, behavior, speech, or body odors.

Reasonable Suspicion Testing Process:

PRELIMINARY EVALUATION

Supervisors must take action if they have reason to believe that one or more of the Reasonable Suspicion Indicators are present and may be affecting an employee's performance or behavior. Supervisors failing to take the appropriate action will be subject to disciplinary action up to and including termination. An employee who has reason to believe that the performance

of another employee is impaired by alcohol, illegal drugs, or medication must immediately notify their supervisor, Department Director, or Human Resources Department.

Reasonable Suspicion Indicators (including but not limited to):

- a. Observable behavior such as direct observation of drug or alcohol use, possession, or physical symptoms of being under the influence of drugs or alcohol;
- b. Possession of drug paraphernalia;
- c. Noticeable change in behavior or a pattern of abnormal or erratic behavior;
- d. The smell of alcohol or marijuana on person or breath;
- e. Appearing to be intoxicated, confused, disoriented, or having difficulty concentrating;
- f. Identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
- g. Abnormally dilated or constricted pupils, glazed stare;
- h. Bloodshot or watery eyes;
- i. Flushed face;
- j. Change of normal speech pattern, i.e. faster or slower;
- k. Constant sniffing or redness under the nose;
- l. Sudden weight loss;
- m. Needle marks;
- n. Exhibiting a change in personality, i.e. paranoia, anger, etc.;
- o. Forgetfulness;
- p. Change in performance level;
- q. Borrowing money from co-workers or other unusual displays of need for money;
- r. Constant fatigue or hyperactivity;
- s. Excessive, unexplained absences;
- t. Dulled mental processes, sleepy, or stuporous condition;
- u. Slowed reaction rate;
- v. Slurred speech;
- w. Physical or verbal altercation; and
- x. Lack of coordination, difficulty walking, inability to walk straight.

Chapter 15: Safety

The City has established an Employee Safety Manual which is available in each department. Human Resources is responsible for implementing, administering, monitoring, and evaluating the safety program. However, its success depends on the alertness and personal commitment of all employees.

15.01 Employee Responsibilities

Employees are responsible for conducting their work activities in a manner that is protective of their health and safety, as well as that of other employees and citizens.

Employees who through the course of performing their duties may come across illegal goods, such as controlled substances, weapons, or obscene materials, or goods that are considered contraband due to the illegal nature of their use. Employees should immediately report any such findings to their immediate supervisor who will determine what action should be taken i.e. call the police, have the employee return to the office with the contraband, etc. Employees who do not report a contraband finding may be subject to disciplinary action.

An employee must report every on-the-job accident, **no matter how minor**, even if medical attention is not necessary at the time, to his or her supervisor. The supervisor is responsible for filing all accident reports immediately with the department head and the human resources office.

15.02 Report of Accident

The City will take all practical steps to eliminate or reduce an employee's exposure to accidental injury or to conditions that would be injurious to his or her health. In the case of accidents resulting in injury, employees must immediately complete the *First Report of Injury* form, which can be obtained from their supervisor or the Human Resources department, and submit the form to their immediate supervisor. The supervisor must then submit the form to Human Resources.

15.03 Safety Training

Employees and supervisors receive periodic workplace safety training through City- initiated risk/safety procedures. The training covers potential

safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. A safety committee is to be established by the City Manager to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues. The City Manager or his designee shall review the safety training program on an annual basis.

15.04 Reporting Unsafe Acts

Employees shall cooperate with the City by observing reasonable safety regulations and working safely. Each employee is expected to obey safety rules and exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report, or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

Safety Suggestions

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, another supervisor, or manager, or bring them to the attention of the Human Resources department. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal. For additional information, please refer to the City of Forney Employee Safety Manual (located in each department) or contact the Human Resources department.

15.05 Workers Compensation

It is the policy of the City of Forney to provide safe working conditions for its employees and to comply with the Rules and Regulations of the Texas Department of Insurance, Workers Comp (DWCC). All personnel, equipment, and operating practices, at any and all places of work and services of the City that are performed, are required to be consistent with the highest standards of health, productivity, and safety.

Civil Service employees are treated in accordance with section 143.073 of the Texas Local Government Code.

Insurance. The City provides workers' compensation insurance for all of its employees in accordance with the Texas Worker's Compensation Act. This

insurance covers medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than seven days.

Medical Attention. An employee who sustains a bona fide, on-the-job work-related injury must choose a primary care physician from the worker's compensation alliance doctor's list. The City requires statements of the medical condition and a release to return to work from the attending physician. An employee may be required to submit to an examination by an independent physician as determined by the department director and Human Resources at the City's expense.

Employees with one year of service. Employees with one year of service and 1,250 hours worked in the previous year who sustain a bonafide on-the-job injury generally meet the criteria for Family Medical Leave. Therefore, if the employee is eligible for Family Medical Leave and the protection it provides, the first twelve weeks of a workers' compensation injury will be counted toward an employee's annual FMLA allotment. (See *FMLA Policy*).

Compensation for Non-Civil Service Employees. If an employee sustains a bona fide, on-the-job, work-related injury that renders him or her unfit for performing the duties of the job, and the employee opts to draw workers' compensation payments, the employee may receive pay as follows:

For up to three months, employees who receive weekly workers' compensation temporary income benefits (TIBs) for an on-the-job injury are eligible for salary continuation. Employees who elect salary continuation continue to receive full pay and continue city-provided benefits; and in exchange, the employee agrees to reimburse the City the full amount of the weekly workers' compensation temporary income benefits check each pay period.

Beginning with the fourth month and ending at the conclusion of the sixth month, and the employee remains unable to return to work, the employee receives the standard workers' compensation payment and may begin, at his or her option, to use accumulated sick and vacation leave time to provide compensation when added to the workers' compensation payment equals the employee's regular pay; and in exchange, the employee agrees to reimburse the City the full amount of the weekly workers' compensation temporary income benefits check each pay period.

After all, leave time has been exhausted, the employee will receive the salary continuation at the TIB workers' compensation payment until the

injured employee is released for full-time duty.

No employee receiving workers' compensation payment alone will accrue city-provided benefits such as vacation, sick leave, holiday pay, etc. Employee payroll deductions and employer contributions for TMRS will cease. The employee must make arrangements to pay their portion of health and/or dental premiums as well as any voluntary benefit premiums.

Compensation for Firefighters and Police Officers. Compensation for a firefighter or police officer who sustains a bona fide, on-the-job, work-related injury will follow the guidelines as stated in the Civil Service Laws under the Local Government Code, Chapter 143.073.

Maximum Paid Benefit. Under no circumstances will an employee on workers' compensation receive more paid benefits than the amount the employee would receive in base salary/wages if the employee were not injured and able to return to work. An employee who is receiving salary continuation and does not release TIB's checks to the City but instead cash and keeps the money will be subject to disciplinary action that may include suspension of salary continuation.

Total Disability/Retirement. A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination the human resources department will make the necessary arrangements for the employee's retirement under the "on-the-job disability" clause of the coverage provided by the City under the Texas Municipal Retirement System (TMRS). If a total disability determination is not made during the first 12 months from the date of the employee's injury, and the employee's disability continues beyond 12 months, then disability retirement arrangements for the employee in accordance with the TMRS clause cited above will be initiated.

Reporting. While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the doctor for consultation or treatment, he or she must provide a progress report to the human resources office. In addition, the injured employee must contact the appropriate City supervisor periodically to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the human resources office may result in the revocation of the employee's leave and disciplinary action.

The maximum duration of occupational disability or injury leave for non-civil service employees is **six (6) months** unless an extension is expressly

authorized by the City Manager. Extensions by the City Manager may be authorized in three-month intervals, and a careful review will be conducted by the City Manager in consultation with the human resources and department director prior to authorizing each extension.

Return to Service. All employees must return to work after approval of either the employee's attending physician or an independent physician paid by the City. Failure to return to work when directed will result in appropriate disciplinary action up to and including termination of employment.

During the course of an occupational disability leave of absence, if an employee is released by his or her doctor for light duty; the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a position is available in which the employee's limited services can be accommodated. **Light duty assignments will not extend beyond six months unless approved by the City Manager and are not intended to create a position that otherwise does not exist.** If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the worker's compensation doctor to return to work. An employee who can return to work in light duty status may be required to work in a different department and perform duties not contained within his or her current classification.

At the time of final release or settlement of a workers' compensation claim, the City reserves the right to evaluate the employee's physical condition and determine whether he or she can perform the essential functions of the job previously held. If (a) the employee cannot perform the essential functions of the job with or without reasonable accommodation; or (b) no vacancy exists (see FMLA); or (c) no other suitable position is available, and (d) a reasonable effort has been made to place the employee in a suitable position, then he or she will be separated and paid accrued benefits.

Salary Continuation Forfeiture

1. An employee forfeits eligibility for participation in the Salary Continuation Program if the employee:
 - a. Fails to report the on-the-job injury as specified in the Safety and Accident Reporting Chapter and receive such medical treatment as may be necessary.
 - b. Repeatedly fails to keep medical appointments. (The Risk Department may reinstate eligibility if the employee later submits

to examination and treatment; any such resumption does not reinstate forfeited pay benefits for the period in which the employee refused to submit to examination.)

- c. Is found to be working another job, whether compensated for the work or not.
- d. Retires resigns, is dismissed for any reason, or dies.
- e. Refuses to submit to examinations or diagnostic tests or procedures recommended as medically or psychologically necessary by the provider, or as required by the Risk Department.
- f. Fails to follow, refuses to comply with, disregards, or violates the treating physician's instructions regarding the treatment of the on-the-job injury.
- g. Refuses to perform modified (limited, partial, or part-time) duty when such has been authorized by the treating physician and offered by the Department Head or the Risk Department.
- h. Falsifies or misrepresents his or her physical condition or capacity.
- i. Refuses to return to regular duty on the working day after the employee has been released to regular duty by the treating physician.
- j. Fails to contact the immediate supervisor weekly or as deemed reasonable based on their condition, and the Human Resources Department on a biweekly basis, to discuss his or her condition and expected return to work date.
- k. Has been injured as a result of the employee's own willful misconduct while under the influence of illegal drugs or alcohol, gross negligence, horseplay, or is in violation of safety procedures/rules as determined by the Human Resources Department.
- l. Is receiving benefits through any of the City's disability income plans or TMRS.
- m. Fails to reimburse the City the full amount of the weekly Workers' Compensation Temporary Income Benefits.

Chapter 16: Family Medical Leave

The Family and Medical Leave Act of 1993 (FMLA) provides job and benefits protection for an eligible employees who must take certain types of leave. To qualify for Family Medical Leave (FML), an employee must have worked for the City for at least 12 months and worked at least 1,250 hours during the period immediately prior to the start of the leave.

An eligible employee may take up to 12 weeks of leave under this policy during any 12 months. For purposes of this policy, the City recognizes a rolling 12-month period measured backward from the date an employee uses any qualified leave.

FMLA does not provide salary continuation when leave is exhausted.

16.01 Designation and Employee

It is neither the employee's responsibility nor the authority to designate leave under FMLA. The Director of Human Resources is authorized to make this determination on behalf of the City.

When an employee requests job protection under FMLA or the City becomes aware that employee leave may be for an FMLA purpose, the Human Resources Department will notify the employee of his or her eligibility to take leave and inform the employee of his or her rights and responsibilities.

In order for the City to accommodate an employee's workload during his or her absence, an employee seeking to take FMLA should provide both their Department Director and Human Resources with at least 30 days advance notice when the leave is foreseeable.

In the event of medical leave for planned medical treatment for the employee or the employee's spouse, child, or parent, the employee should make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations. If the leave is not foreseeable, an employee is expected to provide both their Department Director and Human Resources with as much advance notice as possible and should follow the City's and their department's usual and customary call-in procedures for reporting unscheduled absences.

All supervisors must immediately notify both their Department Director and

Human Resources if they have reason to believe an employee's absence is due to an FMLA-covered reason.

16.02 FMLA Designation Scenarios

The City designates the following scenarios as FMLA, with or without employee consent, and irrespective of the employee's Sick Leave balance:

Surgery	Circumstances related to Military Activation
Hospitalization (overnight)	Chronic Medical Issues requiring absence
Childbirth/Adoption	Extended (3+ days) Sick Leave

Additionally, special circumstances may warrant FMLA designation. These include, but are not limited to:

- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition (as documented by a medical authority).
- A serious health condition that makes the employee unable to perform the essential functions of his or her job (as documented by a medical authority).

16.03 Military Family Leave

The City will operate in compliance with the National Defense Authorization Act of 2008, which authorizes FMLA to provide two military leave entitlements:

- Qualifying Exigency Leave – eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.
- Military Caregiver Leave – eligible employees who are the spouse, parent, child, or next of kin of a covered service member who incurred a serious injury or illness on active duty may take up to 26 weeks of leave to care for the covered service member during a single 12-month period.
- If a husband and wife both work for the City, they will be limited to a combined total of 12 weeks in the rolling 12-month period if the leave

is taken for the birth of a child or to care for the newborn, placement or care of an adopted or foster child, or to care for a parent who has a serious health condition.

- If the leave is taken to care for a covered service member with a serious injury or illness, the husband and wife will be limited to a combined total of 26 weeks in the rolling 12- month period.
- Entitlement to leave for birth or placement for adoption or foster care expires at the end of the 12-month period from the date of birth or placement. Additionally, leave must be concluded within the 12-month period.

16.04 Medical Certification

Any employee requesting job protection under FMLA for a serious health condition of the employee or an eligible family member must submit a Certification of Health Care Provider form. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. The certification form must be completed by the patient's health care provider(s) and must contain at least the following:

- Date condition began
- Probable duration of the condition
- Appropriate medical facts about the condition
- A statement that the employee is needed to care for the ill family member or, in the case of their own illness, is unable to perform their job.
- In the case of intermittent leave, dates, and duration of the treatments necessitating the intermittent leave

An employee may be required to submit a "fitness for duty" certification before the employee can return to work.

The city may, at its expense, require a second opinion from a health care provider of its choice if the City has reason to question the Certification of Health Care Provider submitted by the employee. If the opinions of the two health care providers conflict, the City may require, at its own expense, a third medical opinion from a health care provider mutually agreed upon by the employee and the City. The third opinion shall be considered final and binding on both the employee and the City.

16.05 Extended Medical Leave

Requests for extended medical leave beyond the federally mandated 12 weeks must be submitted in writing to the City Manager through the Director of Human Resources

16.06 Return to Work

Employees taking leave under the FMLA will be allowed to return to the same position or a position equivalent in pay, benefits, and working conditions.

16.07 Use of Paid Leave

While an employee is under FMLA, accrued paid leave will be charged in the following order:

1. Sick Leave
2. Vacation Leave
3. Compensatory time

The use of these types of paid leave will run concurrently with FMLA and must be exhausted before an employee will be allowed to take unpaid leave and enter into a "No Pay" status. Employees still within their 12-week period under FMLA do not require approval to go into a "No Pay" status.

16.08 Continuation of Insurance Benefits

- While the employee is on FMLA, the City will continue to provide its share of contributions toward the cost of insurance. The employee must continue to pay his or her share of premiums. If the employee is receiving pay by utilizing accrued Sick Leave, Vacation Leave, or compensatory time during this period, the employee's share of the premium will continue to be deducted from his or her paycheck. If the leave is unpaid, the employee must make arrangements with the payroll department to continue paying his or her share of the premium as well as any voluntary deductions such as short-term disability, deferred compensation contributions, etc.
- If an employee chooses not to pay his or her share of premiums or payment is more than 30 days late, the employee's coverage may be

canceled for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage.

- When an employee whose coverage was canceled due to non-payment of premiums returns from FML, his or her benefits will be restored at the same level of coverage that he/she would have had if leave had not been taken and the premiums had been paid.