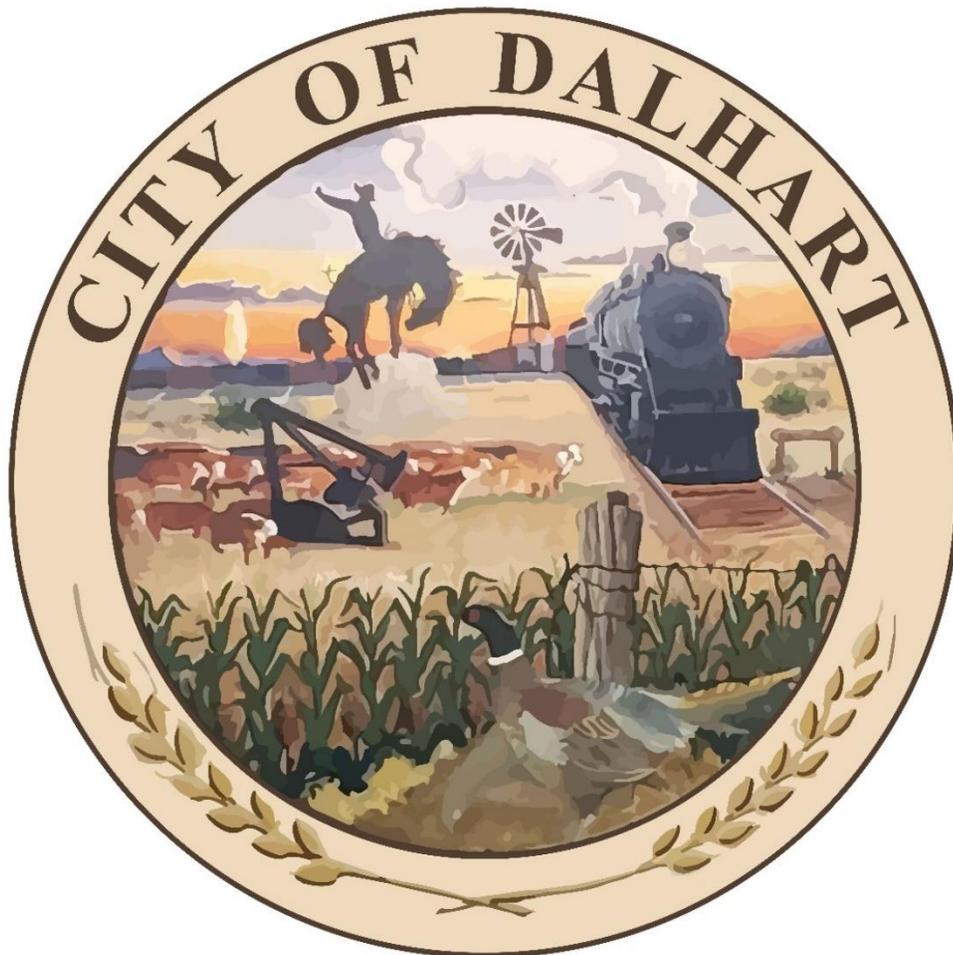


CITY OF DALHART



EMPLOYEE HANDBOOK

ADOPTED: November 12, 2024

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1. INTRODUCTION

Welcome to the City of Dalhart! As an employee of the City of Dalhart, you are a valuable member of an organization which strives to provide a safe, healthy, and pleasant community for our citizens.

This Personnel Policy was developed to set forth the policies, programs and benefits provided by the City of Dalhart. Employees should read the policy as soon as possible, as it will answer many questions about employment with the City.

1.01 Integrity. All employees should conduct themselves with integrity in their everyday activities.

Integrity means conducting ourselves in a way that we can be proud of:

- a. We do what we say we will do
- b. Focus on what’s right
- c. Tell the truth
- d. Accept responsibility for our actions
- e. Do our best to always look for improvements
- f. Look out for everyone’s overall best interest.

1.02 Valued Employees. Since service to the public is our primary business activity, the City of Dalhart values and rewards employees who are:

Trustworthy	Respectful	Accommodating
Loyal	Cheerful	Helpful
Thrifty	Friendly	Reliable
Courteous	Hygienic	Generous

1.03 Policy. The objectives of the City of Dalhart’s personnel policies are:

- a. To promote good and uniform personnel practices and administration.
- b. To provide equal employment opportunity and treatment regardless of race, color, national origin, religion, sex, age, disability, or other characteristics protected by law.
- c. To provide competitive salaries and employee benefits.
- d. To establish reasonable hours of work based on the City’s service needs.
- e. To provide training consistent with the City’s requirements for those whose needs, capabilities, and desires warrant such training.

1.04 Expectations. The City expects all employees to:

- a. Give a full 8 hour day of productive work.
- b. Arrive at their departments and begin work on time.
- c. Demonstrate a considerate, friendly, and constructive attitude toward fellow employees.
- d. To adhere to the policies and procedures adopted by the City.

- 1.05** City's Rights. The City has the right to:
- a. Determine and change the size and qualifications of the workforce to improve Community Service.
 - b. Dismiss, assign, supervise, and discipline employees as the need arises.
 - c. Determine and change starting times, quitting times, and shifts as necessary.
 - d. Transfer employees within departments or into other departments and other classifications as needed.
 - e. Establish, change, or abolish policies, practices, rules, and regulations at will and as it deems appropriate.
 - f. Determine and change methods by which operations are to be carried out.
 - g. Determine and change the nature, location, goods produced, services rendered, quantity and continued operation of the business.
 - h. Assign duties to employees in accordance with the City's needs and requirements, and to carry out all ordinary administrative and management functions.
- 1.06** Questions. Should you have any questions about policies, programs, or benefits, please discuss them with your supervisor. The provisions in this manual apply to all city employees, unless otherwise noted. They shall not apply to elected officials and independent contractors.
- 1.07** Policies Subject to Change. Management will try to keep the manual current, but there may be times when a policy will change before this material can be revised. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the City deems necessary and appropriate, without advance notice. The City also reserves the right to deviate from these policies in emergency situations, in order to achieve its primary mission of providing orderly and cost-effective services to its citizens.
- 1.08** Revisions. Any time a revision is published, it supersedes previous policies. It is the employee's responsibility to keep up to date on City policies and procedures and to seek guidance if there are any questions or concerns regarding the policies.
- 1.09** Conflicts. In the event that the provisions of this manual conflict with the statements of the supervisor, the provisions of the manual control.
- 1.10** Employee Acknowledgement
Employees shall acknowledge, in writing, their receipt of these policies and procedures and subsequent amendments thereto. Agreement to abide by these policies and procedures is a condition of continued employment for all employees.

2. GENERAL PROVISIONS

2.01 Authority and Responsibility

- a. City Manager as CEO. The City Manager is designated as the Chief Executive Officer of the City of Dalhart and the head of the administrative branch of the City government. The City Manager is responsible to the City Council for the proper operation and administration of all affairs of the City. Therefore, the City Manager shall have the power and responsibility of appointing and, if necessary, removing employees, but may delegate this function to department heads and give final approval. Neither the Mayor or the City Council nor any of its members may direct the appointment of any person, or the removal from office of any employees, except for the appointment or removal of the City Manager and City Attorney. They will deal with the administrative service solely through the City Manager, except for the purpose of inquiry. The City Council or members may not give direct orders to any subordinate of the City Manager, either publicly or privately.
- b. Administration of Policies. The City Manager is responsible for all matters and policies relating to the efficiency, morale, and welfare of the employees. The City Manager may delegate his/her authority as necessary and proper.
- c. Additional Policies. Individual City departments may develop policies and procedures that are consistent with City policies and procedures, and that do not conflict with this manual. Department heads are responsible for obtaining necessary review and approval from the City Manager prior to issuing departmental policies and procedures. Department policies and procedures that are operational and that do not relate to provisions in this manual do not need to be reviewed and/or approved by the City Manager.
- d. Conflicts. Any conflicts, questions, or ambiguities in the City of departmental policies and procedures will be decided by the City Manager. The City Manager may delegate the rights and powers granted under these policies and procedures to others as deemed appropriate at his/her discretion.

2.02 Implementation of this Policy

The City Council must approve the personnel policy and any major amendments. The City Manager is responsible for the implementation of said policies. Department heads hold primary responsibility for enforcement of these policies. Employees are encouraged to submit suggestions for changes and improvements in personnel policies and procedures.

2.03 Employment-At-Will

- a. The employment with the City of Dalhart is for an indefinite term. Employees may resign from the City at any time, for any reason, or may be terminated by the City at any time, for any reason, and with or without notice.
- b. Supervisors or management personnel shall not make any representation to applicants concerning the terms or conditions of employment with the City which are not consistent with City policies.
- c. Although adherence to these policies is considered a condition of continued employment, nothing in this manual shall create an express or implied contract of employment for a definite period or an express or implied contract concerning any terms or conditions of employment.
- d. Temporary positions, including, but not limited to, summer help, may be limited to a maximum period of employment, but employment may end at an earlier date as noted above.
- e. Completion of a trial period will not change the employee's status as an employee-at-will or in any way restrict the City's right to terminate such an employee or change the terms or conditions of employment.
- f. The policies herein may be amended or altered from time to time without prior notice.

2.04 Equal Employment Opportunity

- a. The City of Dalhart is dedicated to the concept of equal employment opportunity. The City employs, retains, promotes, trains, disciplines, terminates and otherwise treats all employees and applicants on the basis of merit, qualifications, and competence. Employment decisions are made without regard to the individual's race, color, national origin, religion, sex, age, disability, or other characteristics protected by law
- b. The City will make reasonable accommodations for applicants or employees with a sensory, physical, or mental impairment to the extent the accommodations do not prevent proper performance of essential duties and responsibilities of the job.
- c. Employees with illnesses, whether chronic or acute, are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The City will work to preserve the safety of all of its employees and citizens and reserves the right to reassign employees or take other actions when a health or safety risk to fellow City employees or the public exists.

- d. Any employee who feels to have been discriminated against may appeal in accordance with the procedures specified in this policy section 13.15.

2.05 Harassment/Discrimination

- a. Discrimination. The City of Dalhart is dedicated to providing an environment that is free of unlawful harassment or discrimination in all aspects of employment, promotion, assignment, discipline, discharge, and terms and conditions of employment, including the acts of supervisors, co-workers and all levels of positions. Prompt disciplinary action will be taken against an employee who commits or participates in any form of harassment.
- b. Sexual Harassment. Sexual harassment is defined as unwanted, unwelcomed sexual advances, touching, including but not limited to pinching, grabbing, patting, inappropriate comments, displaying sexually explicit material, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or adversely interferes or affects an employee's work performance.
- c. Reporting. An employee who believes he or she is being harassed by supervisors or co-workers should immediately notify the department head. In the event that the harassment involved the department head, the employee should notify the City Manager. The City will not retaliate against an employee who complains of harassment in good faith.
- d. Grievance. Any employee who feels he or she has been discriminated against may process a grievance in accordance with provisions of chapter 13.15.
- e. False Accusations. The City recognizes that false accusations of sexual and other harassment can have serious effects on innocent men and women and their families. Therefore, false accusations will result in severe disciplinary action up to and including termination.

2.06 Personnel Files

- a. Location. Personnel files are maintained in the office of the Finance Director and contain the employee's application, job status, salary/wage, training records, certifications, awards, commendations, disciplinary actions, and performance evaluations.
- b. Privacy. All information shall be the private, confidential property of the City and will not be shared with anyone except the employee, the department heads, and the manager, on a need-to-know basis. The information will also be made available as required by court order or to legally protect the interest of the City. Personnel files are the property of the City. However, the City will comply with relevant portions of the Texas Open Meetings/Open Records Act. (Public Information Act)

- c. Personnel Data Changes. Each employee must promptly notify the Finance Director of any changes in personnel data. Personal mailing address, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such information should be accurate and current at all times.

2.07 Employment Verifications

Employment verifications without written consent of the employee are limited to confirmation of employment dates and positions held. The release of wage and other information requires express written consent by the employee.

Only the City Manager and Finance Director are authorized to provide employment references on current or former regular employees. The payroll clerk may only verify employment dates and wage information in accordance with this chapter.

It is the policy of the City of Dalhart to check the employment references of applicants under consideration. The reference check will be conducted by the Department Head of the hiring department.

3. DEFINITIONS

- 3.01 **City Manager:** The employee of the City of Dalhart who is responsible for all operations of the City. The City Manager reports to and is appointed or dismissed by the City Council and is the highest City employee.
- 3.02 **Department Head:** An employee who has responsibility for directing one or more departments and reports to the City Manager.
- 3.03 **Supervisor:** An employee who has responsibility for directing one or more employees and reports to the department head or to the City Manager if he/she is a department head.
- 3.04 **Regular Full-Time Employee:** An employee who has completed the trial period and who regularly works a minimum of forty (40) hours a week on a continuing basis.

- 3.05 Regular Part-Time Employee:** An employee who works less than forty (40) hours per week. Part-time employees are generally not eligible for City benefits.
- 3.06 Temporary Employees:** Temporary, including seasonal employees, are defined as those employees who hold jobs of limited duration arising out of special projects, peak or abnormal workloads, emergencies, temporary absences of employees due to disability, illness, or vacation, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination. Temporary employees may be eligible for overtime pay as required by law, but are not eligible for benefits such as retirement, vacation, sick leave, health insurance, holiday pay or any other benefits during their employment.
- 3.07 Immediate Family of the Employee:** Immediate family includes the spouse, child, parent, brother or sister, brother or sister-in-law, mother or father-in-law, son or daughter-in-law, grandchild, or grandparent of the employee or the employee's spouse.

4. JOB ELIGIBILITY

4.01 Nepotism – Hiring of Relatives

It is well known that when related employees work in the same area of an organization, it can cause serious conflicts and problems with favoritism, personal conflicts, and employee morale.

- a. No person who is related within the second degree of affinity (marriage) or within the third degree of consanguinity (great grandparent, aunt/uncle, niece, nephew, great grandchild, grandparent, brother/sister, grandchild) to the Mayor or any of the City Council or the City Manager shall be employed or appointed to any office, position or services of the City where the Mayor, City Council or City Manager is required to appoint, confirm, or vote for the appointment or confirmation of the person for the position. This prohibition shall not apply, however, to any person who has been continuously employed by the City for thirty (30) days in instances where the official is a City Manager, and six (6) months in instances where the official is the Mayor or City Council Member, prior to and at the time of election or appointment of the official or to temporary seasonal employees (summer youth).

- b. The City permits the hiring of an employee's current family member or a related person when such person is the most qualified candidate for a position. However, in an effort to eliminate any actual or perceived conflicts of interest from arising in the workplace, the City does not permit an employee to be in a position of unequal authority (or rank for public safety) to a family member or related person. As a result, the City shall not hire, transfer, or promote any person if doing so will result in placing a current employee in a position of unequal authority (or rank for public safety) to a newly hired current family member or related person. The City must take steps to eliminate the potential or actual conflict, within a reasonable time period but no longer than six (6) months as determined by the City. The employees may work with their manager and/or HR Department or Designee to consider possible resolutions. If no resolution exists which will eliminate the potential or actual conflict of interest in a manner acceptable to the City, the City has sole discretion to determine the appropriate resolution, including transfer or separation of one or both of the persons involved. At all times, if the current employee is the employee with senior authority (or rank for public safety) to the other family member or related person, the current employee is responsible for disclosing the relationship to his/her supervisor. The current employee may request an exception to this policy, including situations in which the current employee is currently in a position of unequal authority (or rank for public safety) to a family member or related person, especially if the current employee is the one with seniority. The current employee must present the request in writing to his/her manager or HR Department or Designee to review the request. Such request should identify how potential conflicts of interest are mitigated. The City Manager shall make the final decision. Due to constantly changing circumstances, the City may withdraw any exception at any time.
- This applies also when there is a change in circumstances during the course of employment that creates a conflict with this policy (e.g., current employee becomes related as a result of marriage, dating, living together, or a transfer and results in the current employee being in a position of unequal authority (or rank for public safety) to another family member or related person).
- c. The City Manager, Mayor, or Council Member, nor any City employee who is related within the second degree of affinity (marriage) or within the third degree of consanguinity (great grandparent, aunt/uncle, niece/nephew, great grandchild, grandparent, brother/sister, grandchild) shall participate in any deliberation on the employment of a candidate for employment with the City or the reemployment, change in status, compensation, or dismissal of a City employee.

4.02 Age Requirements

Age limitations for certain positions are based upon bona fide occupational qualifications. Other age limitations will be applied as required by Federal or State law.

- a. No person under sixteen (16) years of age will be employed by the City, except those participating in an outside agency's job training program or summer temporary employment.
- b. No person under eighteen (18) years of age will be employed in any regular full-time position.

- c. The department head is responsible for ensuring that employees under the age of 18 are assigned duties that comply with legal restrictions of hazardous occupations.

5. JOB RECRUITMENT AND HIRING

5.01 Recruitment

- a. Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, national origin, religion, sex, age, disability, or other characteristics protected by law.
- b. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application form. Applicants considered on the basis of their resume or other information shall complete an official application form prior to being considered as a finalist for any position.
- c. Individuals seeking rehire must complete a new application to be considered for rehire.
- d. The applications are accepted and reviewed by the Department Head filling the vacancy.
- e. The finalists for the position will be interviewed by the Department Head.
- f. The Department Head may conduct, when appropriate, credit, personal reference, criminal conviction and driving record checks on the applicant. Background checks shall verify job-related information on the written application, statements made during the interview, and other facts deemed necessary.
- g. Any employee who supplied false or misleading information on their employment application is subject to immediate termination.

5.02 Manager's Approval

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the Department Head shall review the position, its job description and the need for such a position and report the results to the City Manager.

The City Manager shall approve all requests to fill a vacancy or for the creation of a new position and approve all regular full-time employees.

5.03 Residency

Residency within the City shall not be a condition of initial appointment or continued employment, provided that an employee's residency shall not interfere with the daily performance of their duties and responsibilities. The City Manager, however, is required to reside within the city limits.

5.04 Driving

Applicants for positions in which the applicant is expected to operate a motor vehicle will be required to present a valid Texas driver's license with any necessary endorsement. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment in positions requiring driving.

If a CDL license is required for the position and the applicant does not have a CDL, it must be obtained prior to the end of the trial period.

5.05 Testing

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.

5.06 Medical Exam

After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure that their physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination. If an employee does not complete 90 days employment with the City, the individual will be required to reimburse the City for the costs of the examination.

5.07 Disqualification

A candidate may be disqualified from consideration if:

- a. The candidate does not possess the qualifications necessary for the performance of the duties of the position.
- b. The candidate is found to be physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace).
- c. The candidate refuses to submit to a medical examination or complete medical history forms.
- d. If the exam reveals use of alcohol and/or controlled substances.
- e. If the candidate has made a false statement of material fact on the application form or supplements.
- f. The candidate has committed or attempted to commit a fraudulent act at any stage of the selection process.
- g. The candidate is an alien not legally permitted to work.
- h. The candidate has an unsatisfactory employment record.

5.08 Immigration Law Compliance

The City of Dalhart is committed to employing only United States citizens and aliens who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986. This section may change in accordance with provisions of State or Federal Law.

Before starting employment, each newly hired employee must properly complete, sign, and date

the first section of the Immigration and Naturalization Service Form I-9; and provide the appropriate documentation for section two.

Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with this organization, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.

All applicants seeking employment with the City must be prepared to provide documentation showing their identity and employment authorization giving ability to work in the United States.

5.09 Law Enforcement

Applicants for law enforcement positions must meet the minimum standards established by the Texas Commission on Law Enforcement.

5.10 Final Selection

City Administration, shall require each person hired to complete all forms required by law or City policy. A social security card and one approved form of ID must be provided within three (3) business days of employment. If the social security card was lost or stolen, the employee must provide one within thirty (30) days, provided however, that the Social Security number can be verified immediately through the Social Security Verification Service, or the employee will be terminated.

The Department Head filling the vacancy shall timely notify all other applicants for the position that the position was filled.

6. HOURS AND ATTENDANCE**6.01 Working Hours**

- a. The City's standard workweek is Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one-hour unpaid lunch period. The Public Works Department may implement summer hours between Memorial and Labor Day with a work schedule of 7:00 a.m. to 3:30 p.m. with a 45-minute unpaid lunch period and no afternoon break. Different work schedules may be established by the City to meet job assignments and provide necessary City services.
- b. Part-time and temporary employees will work hours as specified by their department heads.

- c. The work week begins at 12:01 a.m. Saturday for computing overtime.

6.02 Hours of Work and Overtime

- a. All City positions are designated as either “exempt” or “non-exempt” according to the Fair Labor Standards Act (“FLSA”) regulations.
- b. Exempt Employees are excluded from specific provisions of federal and state wage and hour laws and are not entitled to overtime pay or compensatory time. Excessive overtime must be approved by the City Manager or his/her designee.
- c. Non-exempt employees are entitled to receive additional compensation for time worked over the established work week, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period.
- d. For most City employees, the established work period is forty (40) hours within a seven (7) day workweek. For law enforcement employees on shift schedule, the established work period is 80 hours, coinciding with the two weeks pay period.
- e. Time worked and time off is recorded in fifteen (15) minute increments, with rounding to the nearest ¼ hour up or down.
- f. All overtime must be authorized in advance by the employee’s department head.
- g. Overtime and compensatory time are calculated on hours physically worked over forty (40) hours per week (80 hours per two weeks for Police). Holidays, sick time off, vacation time off, funeral, military, injury or leave without pay are not included in the calculation.
- h. Overtime is paid at one and one-half times the hourly pay of the employee.
- i. Public Works full-time regular employees required to work on a holiday will receive holiday pay and overtime pay or compensatory time for the hours worked on the holiday.
- j. Public Works full-time regular employees expressly authorized but not required to work on a holiday will receive holiday pay and straight time pay or straight compensatory time.

6.03 Compensatory Time

- a. If the compensatory time earned option is selected for worked overtime, the employee is credited with one and one-half times the hours worked as overtime, except as designated under section 6.02 (j).
- b. Maximum accruals of compensatory time shall be limited to eighty (80) hours for regular employees. After maximum accrual, overtime compensation shall be paid.
- c. Employees may use compensatory time within a reasonable time period after making a request to their department head, unless doing so would unduly disrupt City operations.
- d. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

6.04 On-Call Policy

Depending on the needs of the City and its departments, an employee may be required to remain on-call and available to come back to work. In an effort to treat all employees fairly, the following guidelines were established.

- a. Rotation. When developing a departmental schedule, the supervisor shall prepare an on-call rotation roster. The on-call duty should be distributed as evenly as possible among the available employees so that one employee is not excessively on-call.
- b. Communication Devices. Each employee who is required to be on-call shall be furnished with a communication device, such as a pager, radio, mobile phone, or similar device. Such communication devices are intended to allow employees the ability to engage in a wide variety of normal, personal pursuits during periods of being on-call, but the devices may not be used for personal business.
- c. Response Times. An employee who has been notified of an on-call issue should determine the nature of the call within five (5) minutes of being notified. The employee should arrive on the scene ready to work within thirty (30) minutes of receiving the call.
- d. Hours Worked. An employee shall be considered working on call from the time he/she is en route to the scene of a call until he/she is relieved of duty and returns home. Each on-call issue initiated by dispatch will be paid a minimum of one hour. However, if more than one call is received within the same hour, and both are resolved within the same hour, only one hour may be allowed. If multiple calls are received during one hour and they take 1 ½ hours to complete, then 1 ½ hours will be paid.
- e. Inability to Respond. If an employee is unable to fulfill his/her on-call responsibilities due to illness, emergency, or other reason, the employee must contact his/her supervisor or department head. If no one can be reached, the employee should notify the dispatcher of his/her inability to respond to calls. Appropriate action will be taken so that the next available person listed on the on-call roster can temporarily cover the on-call period.
- f. Holidays. Supervisors shall develop on-call rosters, paying particular consideration to the needs of the City and due regard to the wishes of the employees. Whenever possible, on-call schedule should be developed so that a particular employee is not on-call on the same holiday(s) year after year. If an employee freely volunteers to be on-call on a particular holiday, this provision may be ignored.
- g. Rescheduling On-Call Duty. Supervisors may amend on-call schedules as needed. Further an employee may swap his/her on-call assignments if:
 1. Another employee would like to exchange his/her on-call duty assignment as well,
 2. Both employees discuss the exchange with their supervisor, and
 3. The supervisor approves their request and updates the on-call roster.
- h. Disciplinary Action. Ignoring a return-to-duty call or falsifying records of time spent on a call are grounds for disciplinary action, up to and including termination.

6.05 Call Back

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked, including overtime rate or compensatory time, if applicable.

6.06 Attendance

- a. Punctuality. Punctual and consistent attendance is a condition of employment. Each department head is responsible for maintaining an accurate attendance record of their employees.
- b. Unable to work. Employees unable to work or unable to report to work on time must notify their supervisor as soon as possible, ordinarily before the workday begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day the employee is responsible for reporting each day, unless employee and supervisor agree on a date of return to work. If the supervisor is unavailable, the employee may leave a message on the supervisor's mobile phone, stating the reason for being late or unable to report for work and a phone number where he/she may be reached.
- c. Inclement weather. Employees are expected to be at work even during inclement weather. Department heads may allow non-essential employees to be late or leave early during severe weather conditions. This non-attendance will be counted as absence from work and will be charged to vacation or compensatory time, unless the City has declared an emergency closing.
- d. Absence without leave or permission. No employee may be absent from duty for a single day or any part of a day without his/her supervisor's permission. Any unauthorized absence shall be without pay, as allowed by law, and may result in suspension, termination, or other disciplinary action. An employee who is absent without permission for two (2) consecutive working days will be considered as having voluntarily resigned without notice.
- e. Tardiness. Under ordinary circumstances unavoidable or necessary tardiness may be excused for an adequate reason. However, if this privilege is abused or an employee is tardy repeatedly for less than 30 minutes for each occurrence, a supervisor may order a penalty of one-half (1/2) day against the employee's vacation leave. For repeated tardiness over 30 minutes with or without notification of the supervisor, the employee may lose the right to work the balance of the workday and will be paid only for the hours worked during the pay period. Employees are not permitted to work any period of time beyond normal work hours for the purpose of making up for the time lost due to tardiness. Other disciplinary action, up to and including dismissal, may be taken as necessary.

6.07 Breaks and Meal Periods

- a. Employees may take one (1) fifteen-minute break, **including travel time**, for every four (4) hours worked, if authorized by their immediate supervisor. All breaks shall be arranged so that they do not interfere with City business or service to the public. Said break periods shall be considered a privilege and not a right and cannot be accumulated for other purposes such as vacation, time off, or as means of leaving the job early. Abuse of break periods is grounds for disciplinary action. There is no afternoon break for public works employees during summer hours.
- b. Meal periods shall be scheduled by the employee's department head. The scheduling of meal periods may vary depending on workload and coverage by other employees, if needed, and shall be arranged so that they do not interfere with City business or service to the public. Unused meal periods are forfeited. Employees working six (6) hours per day, or more are entitled to an unpaid lunch break of 1 hour, or 45 minutes for public works employees during summer hours.

7. TRIAL PERIOD

- a. All newly hired employees, former employees who have been re-hired, or employees transferred or promoted to a new classification, enter a trial period, which is considered an integral part of the selection and evaluation process. During the trial period an employee is required to demonstrate suitability for the position through actual work performance.
- b. The normal trial period is ninety (90) days from the employee's date of hire, rehire or promotion. Longer periods may be established for positions requiring technical, professional, specialized, unusual, or unique skills or qualifications. Continuation of employment beyond the 90-day trial period does not constitute a guarantee or contract for continued employment.
- c. An employee's trial period may be extended for up to an additional ninety (90) days to properly evaluate the employee's performance, when needed due to extended illness or a need to continue to evaluate marginal performance. The trial period will not be shortened for any reason.
- d. During the trial period, the supervisor will carefully observe the employee's job performance. Where appropriate, weakness in performance or attitude will be brought to the employee's attention for self-correction and documentation as needed shall be placed in the employee's personnel file.
- e. Transferred or promoted employees who are unable to perform satisfactorily on their jobs during or at the end of their trial period, at the discretion of management, may be returned to their original position, if a vacancy exists, or be terminated.
- f. While in the trial period, newly hired employees will accrue sick leave and vacation, but are not eligible to use vacation until the end of the trial period.

- g. During the trial period the new employee may be terminated at any time, with or without cause. Accrued vacation time will not be paid if employment ends during the trial period of a new hire.
- h. When a department head determines an employee has satisfactorily completed the trial period, the department head shall document the change to regular employment status. However, employment will continue “at-will” and the employee may be discharged at any time for any or no reason.

8. COMPENSATION

8.01 Salary Classification and Grades

Each job title within the City is classified into one of the City’s classifications for salary/wage purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular salary/wage or range shown on the City’s salary/wage schedule, which will be approved periodically by the City Council.

8.02 Employee Pay Rates

- a. Employees shall be paid within the limits of the salary/wage range to which their positions are assigned.
- b. Usually, new employees will start their employment at the minimum salary/wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee’s experience, training, or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.
- c. Pay increases are contingent on satisfactory performance. If an employee’s performance is consistently unsatisfactory, the City Manager or department head may defer a scheduled pay increase for a stipulated period or until the employee’s job performance is satisfactory.
- d. The City Manager may propose, and the City Council may grant either an across the board pay, raising the salaries/wages of all positions by a specified amount within a defined group of classifications.

8.03 Payroll Procedures

- a. Accurate recording of time worked is the responsibility of every employee. Federal and State law requires the City of Dalhart to keep a correct record of time worked to calculate employee pay and benefits. Each department head shall turn in timesheets for each employee on the Monday (or next business day if Monday is a holiday) following the end of the pay period, noting hours worked, leave taken, and overtime worked during the previous pay period. The timesheet is to be signed by the employee and the immediate supervisor, indicating that the hours listed are correct.

- b. Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination, except by a department head when the employee is absent so that payroll will not be delayed.
- c. Employees are paid every other Friday for the pay period of 2 weeks ending on the Friday prior to the payday Friday.
- d. In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the workday prior to the holiday.
- e. The City of Dalhart does not allow pay advances or loans toward future earnings under any circumstances or for any reason.
- f. The City of Dalhart utilizes direct deposit for payroll and assumes the employee has access to a bank account for that purpose.
- g. A copy of the employee's pay statement showing gross pay, deductions, net pay, and any other pay itemizations will be emailed to the employee.
- h. The City of Dalhart takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck, and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the payroll clerk so that corrections can be made as quickly as possible. Over and underpayments will be corrected in the next regular paycheck, unless the correction of an overpayment presents a burden to the employee due to a substantial amount owed and the error was caused by the finance department. In that case, the Department Head will attempt to arrange a schedule of repayment with the employee to minimize the inconvenience.

8.04 Deductions

Some regular deductions from the employee's earnings are required by law, other deductions are specifically authorized by the employee. Among the mandatory deductions are federal income taxes, court-ordered child support and medical support payments, funds owed to the City, social security, and employee's contribution to the retirement system. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, or statute. The pay stub of each payday shows the deduction taken during that pay period and year-to-date.

8.05 Travel away from the City

- a. All travel away from the City must be approved in advance by the City Manager.
- b. If private automobiles are used, employees will be reimbursed at rates currently in use by the State of Texas as shown in the current travel policy.
- c. Meals, lodging and airfare will be reimbursed according to the current travel policy.
- d. Per Diem allowances for travel involving overnight stay may be paid with approval of the City Manager prior to the commencement of travel.
- e. Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the department head.

- f. Any meals consumed while traveling on a day trip will be reimbursed but will be processed as a taxable benefit through payroll to comply with IRS standards.
- g. Employees may not use bonus trips gained through frequent flyer/traveler programs for personal use. Employees shall use frequent flyer/traveler bonus points gained as a result of City business, only for official City business.

9. Coaching and Counseling Procedure

It is the intent of Coaching and Counseling Procedure to establish, communicate and enforce an employee's attendance, performance and conduct standards. It is also to safeguard an employee's rights, to ensure that an employee's actions are judged by fair and impartial standards, and to require that all rules are applied on an equitable basis.

A statement of reasons for corrective action, up to and including termination, is intended to benefit an employee in assisting such employee in retaining such employment or to improve performance and is not intended to, nor does it create a contract, either expressed or implied, in continued employment. The difference between coaching and counseling is the perspective and focus.

Coaching:

- Future focused
- Solution focused
- Outcomes Driven
- Helps the individual find their own solutions to meet their goal

Counseling

- Past focused
- Problem focused
- Gives advice, recommendations and directives, at times, forcefully
- States: Why the employee must change
- Gives the individual a diagnosis and treatment or solution to fix the problem.

A. Coaching and Counseling will consist of three parts:

1. Performance Management
2. Corrective Action
3. Discharge

1. Performance Management

Performance management is the process used to strengthen an employee's knowledge, skill and abilities to perform their job satisfactorily. It may include more training and guidance. Ongoing dialogues with an employee's supervisor about such employee's performance should occur continuously. This exchange of

information should reinforce good performance and establish or reset the performance expectations by the employee's supervisor when the employee falls short.

Supervisory Responsibility:

All employees that have the authority to supervise and direct other employees under their control, shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline subordinates as may be required under departmental and/or City policies, but in a professional manner, as the purpose is to resolve issues at the lowest possible supervisory level. During the year, employees who are supervisors are responsible for tracking their direct reports' performance which may include positive and negative aspects. If and when the need presents itself, there could be times when a staff member's performance is not meeting expectations, and their supervisor will need to bring the deficiency to the employee's attention.

The method by which the supervisor presents the issue may include but not limited to the following approaches:

On the Spot Counseling, Performance Problem, PIP and Evaluation

On-the-Spot-Counseling is when one's supervisor immediately observes an employee's poor performance and gives the employee an opportunity to correct it.

Performance Problem is when an employee continuously fails to address and correct the issue discussed by his/her supervisor at the "on the spot counseling" session, thereby, neglecting to meet the supervisor's expectations.

PIP (Performance Improvement Plan) is a plan to help an employee succeed. If a supervisor considers an employee's performance problems as severe and creates a plan to re-establish such employee's goals, communicates the expected standards of performance, establishes measures, conducts review sessions and charts that employee's progress. The hope is for that employee to attain a desired level of performance. If an employee is on a PIP, such employee is not eligible for a merit increase.

Performance Evaluations are conducted yearly. It is a formal assessment in which a manager evaluates the employee's work performance, identifies strengths and weaknesses, and offers feedback, and sets goals for the future. The content of annual review should not be a surprise to an employee but rather it should be a wrap up of the performance which has been brought to the employee's attention throughout the year.

An employee's supervisor will provide the employee with a copy of the evaluation and together the employee and supervisor will review it. The employee will be asked to sign the evaluation document. The employee's signature indicates his/her acknowledgement and receipt of the evaluation; it does not necessarily indicate the employee is in agreement with its contents. The employee may submit comments related to the evaluation within five (5) business days from the date of receipt. Comments may be written directly on the form, or an employee may submit additional sheets, which will be attached to the document for filing into that employee's personnel file.

2. Corrective Action

Corrective action is a process of changing an employee's behavior through teaching. It provides the opportunity to inform an employee of the behavioral shortcomings and explain how to correct those shortcomings in a respectable and confidential manner. When a supervisor exercises corrective action, both the content and presentation of the corrective action should be influenced by the City values i.e., delivery of outstanding customer (public) service, harmonious working environment, accountability, promoting integrity and accountability, diversity, safety and mutual respect.

Supervisors must decide the appropriate corrective action to take for the situation. Factors to consider include:

- Severity of problem or degree of negligence
- Number and nature of previous disciplinary actions
- Whether previous corrective actions were imposed for similar reasons
- Frequency of previous problems (including the time lapse between corrective actions)
- The employee's work-record

Note: If an employee has an injury or illness and receives a corrective action, the injury or illness does not stop the corrective process, but the action may be delayed or deferred until the employee is released to return to work.

Supervisors should meet privately with an employee to discuss the behavior problems when they first arise.

Documentation: All forms of corrective action, other than oral warnings, must be documented and will be placed in the employee's personnel file.

Corrective action may be sequential, out of order, or repetitive. Nothing in this policy states that corrective action must be progressive in nature. Supervisors are not required to impose a lower level of corrective action before progressing to a higher level of corrective action. Corrective matters are evaluated individually, and the level of corrective action is imposed based on the circumstance of each situation.

The types of corrective action a supervisor may take are, in order of severity (from least severe to most):

a. **Coaching and Counseling** - During a coaching and counseling session with an employee, such employee's supervisor is not required to place this session into the employee's personnel file however, such employee is required to sign and date as acknowledgment of the conversation. The supervisor will maintain notes of the meeting with the employee. This is a pre-corrective or non-corrective action.

b. **Verbal Warning (Documented Counseling)** - Oral warnings are issued for minor policy, procedural and conduct infractions. Infractions of this type would not endanger the health or welfare of any employee or citizen, or the overall operations of a department.

c. **Written Warning** - Written warnings are issued for policy, procedural, or conduct infractions or when an oral warning (documented counseling) has already been given and an infraction occurred again or when the nature of the offense requires more than an oral warning (documented counseling).

d. **Corrective Action Meeting** - A corrective action meeting should be scheduled prior to the imposition of a suspension, demotion, or discharge. The Department Director may ask another supervisor and/or HR Department or Designee to accompany the employee during the Corrective Action meeting. During the

meeting, the employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. The employee will be given advance notice of the meeting. The employee may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the corrective action meeting. The employee will be notified of the City's determination following the meeting.

e. **Administrative Leave** – During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place an employee on administrative leave. The leave may be with or without pay.

All suspensions, demotions and discharges must be approved by the Department Head.

f. **Suspensions** – Suspension without pay for ten or fewer working days is issued for serious rule violations, gross negligence, misconduct, or insubordination or when less severe discipline has previously been given or if the incident is too severe for a warning but not egregious enough for more severe discipline. Typically, an employee is not suspended for more than five (5) days without pay; however, supervisors may suspend an employee for up to ten (10) days. The supervisor determines what days are used. If workloads make it problematic for the work team or severely lessen productivity, the suspension may be delayed. Multiple days without pay may be spread over several weeks, if deemed appropriate.

Note: Special circumstances pertaining to exempt employees for suspensions without pay for increments of less than one full day under FLSA. Refer to Section 5.7: Exempt employee pay and deductions.

g. **Corrective Probation (PIP)** - Corrective probations are issued for very serious performance, behavior or attendance deficiencies. It is a very serious corrective action. When an employee is on disciplinary probation, such employee is possibly one step from termination. Supervisors must give serious consideration before placing an employee on corrective probation. The supervisor must outline the provisions of the probation in writing. For performance issues, the use of a PIP form is recommended. The supervisor can establish a corrective trial period from one (1) to a maximum of six (6) months. When deciding the duration, the supervisor should consider factors like the severity and number of violations, time between earlier violations, work record, evaluations, other relevant documented information, and whether the problem is habitual (which would suggest that a lengthier period is needed). The supervisor should identify the behavioral changes that must take place and explain the consequences of failure to improve and to perform in an acceptable manner.

Supervisors must meet periodically with an employee during such employee's probation to provide feedback on such employee's progress. The supervisor must meet with the employee at the end of the probation to evaluate and discuss the progress and what action, if any, to take next. The supervisor should prepare and file meeting notes and if possible, obtain the employee's acknowledgement on the information discussed.

An employee is not guaranteed employment for the duration of the disciplinary probation. If during the corrective probation it becomes obvious the employee cannot or will not change behavior or improve job performance, the supervisor can initiate a termination action.

h. **Demotion** - Demotions are issued for work performance or job-related conduct that does not meet established standards or for the inability to improve performance. Demotions can be considered for an employee who would be successful in a lower position with less responsibility or with lower expectations. A pre-demotion meeting must be held prior to the demotion.

If an employee, to avoid corrective action, agrees not to contest a transfer into a lower position, a memo should be prepared for that employee's signature. The memo should explain the reasons for the demotion, the new classification and pay rate and that the employee is not contesting the demotion.

B. Discharge

Dismissal normally occurs only when other disciplinary action has failed to achieve the needed results. Prior to dismissal, the Department Director should ensure that the employee has been properly counseled in writing concerning any deficiencies in behavior, given sufficient time to correct these deficiencies, and informed that failure to correct them may result in termination. However, this policy should in no way prevent the Department Director from taking immediate action when the nature of the offense warrants such action. The Department Director will furnish the Human Resources Department or Designee with a written statement indicating the reasons for dismissal. The City Manager must approve all discharges.

The following are examples of reasons that could result in immediate dismissal:

1. Use or possession of alcohol or illegal use or possession of inhalants or controlled substances while on duty or in the workplace
2. Falsification of official City records
3. Theft, willful damage and/or unauthorized use of City property
4. Willful failure to follow established safety guidelines when such failure could result in injury to the employee, a co-worker, or other persons.
5. Violation of the Weapons Policy
6. Acts and/or threats of violence, stalking, threatening behavior and/or intimidating or harassing behavior, which occur in the workplace and/or that are work-related or relevant to the employee's job.

The employee may file a grievance contesting his/her discharge as outlined in the grievance policy. If the results of an investigation support such grievance, the employee shall be reinstated with full recovery of back pay and benefits, or other actions as determined by the City Manager.

Grievance Policy

The City of Dalhart strives to create and maintain a harmonious working environment in which people are treated with courtesy, integrity, and respect. All employees should be able to work and learn in a safe, yet challenging atmosphere. For that reason, the City will provide fair and prompt consideration to all complaints and grievances. This policy provides an avenue for employees to report complaints and grievances and applies to any individual who is a full or part-time employee. This policy distinguishes between complaints and grievances and provides different procedures within each subsection.

What constitutes a complaint or grievance?

The complaint process is generally reserved to resolve matters related to an employee's duties, hours, pay and/or working conditions. If an employee is dissatisfied with some aspects of the job related to one's duties, hours, pay, and/or working conditions, such employee should first go to the immediate supervisor and talk it over and try to resolve the matter. If, for some reason, the employee is not satisfied with the outcome of these informal discussions, the employee can use the complaint procedure outlined below to resolve the matter. Complaints are generally resolved with the Supervisor and Department Head.

The grievance procedure is generally used to appeal decisions related to discipline and to address reports of discrimination, harassment, retaliation, or other violations of law. Regardless of employment status, an employee is encouraged to promptly bring concerns of discrimination, harassment, retaliation, or other

violations of law to the attention of such employee's immediate supervisor. Supervisors are *required* to report any claims of discrimination, harassment, retaliation, or other violations of law to the City. Grievances are ultimately appealable to the City Manager unless the City Manager is the subject of the grievance.

The City provides an employee assistance program (EAP) for the employees. It is a confidential counseling service for an employee to discuss an incident confidentially or seek information and advice of a personal nature. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to the City of a complaint or grievance. A complaint or grievance may be filed with the City according to the procedures set out in this section.

A. What Is a Complaint?

A complaint is a dissatisfaction which an employee feels concerning:

1. Job, job assignments, working conditions which are perceived as unfair
2. Wages, hours of work, performance evaluations, merit raises
3. Unjust or inequitable procedures
4. Problems with co-workers and supervisors
5. Misinterpretation or misapplication of City policy, State or Federal Law
6. Job Classification
7. Pay Grade or Rate of Pay

Note: For Police and Fire Personnel: The police and fire departments may have additional rules, processes, regulations, or laws that govern the investigation of complaints against police officers and firefighters. In the event of a conflict between this policy and the police or fire department's policy governing investigation of a complaint, the police or fire department's policy, as applicable, shall control; provided that nothing herein or in a policy of the police or fire department shall be construed to change the at-will employment status of a member of the police or fire department.

B. What is a Grievance?

A grievance may be filed for the following:

1. To appeal an adverse employment action such as a written reprimand, demotion, suspension, disciplinary leave, or termination
2. To report harassment, discrimination, or retaliation
3. To object to departmental reorganizations
4. To report a violation of a City policy or a state or federal law
5. Failure to provide reasonable accommodation under the ADA
6. Reduction of force or layoffs (RIF)

C. Other Definitions

"Business/Working Days, as referenced in this section, means the scheduled workdays of the person responsible for initiating an action in this policy for which a time limit is established. A fire shift (24 hours) is equivalent to 2 working days for this section only. Time limits begin the working day following the incident, event, hearing, or notice. The deadline is close of business (5 pm) for timeframes stated in the policy.

D. Confidentiality

During the complaint and grievance process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining/grieving person will be protected to as great a degree as is possible. The City will keep all expressions of concern, the results of fact-finding and the terms of the resolution confidential to the extent possible. In the course of fact finding and resolving the matter, some dissemination of information to others may be necessary or appropriate to investigate the complaint or grievance. Please also be aware that City records are subject to the Texas Public Information Act (TPIA), and certain records associated with employee complaints and grievances may be considered public information under the TPIA.

E. An Employee's Treatment during the Complaint or Grievance Process

The City will treat any person who uses the complaint or grievance procedure courteously. The City will handle all complaints and grievances methodically and promptly to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint or grievance will in no way be used against the employee or have an adverse impact on such employee's employment status. Because of the potential damaging nature of a complaint or grievance on the entire workforce, an employee is strongly urged to use this procedure for the intent it serves, not for petty situations. False and malicious complaints or grievances, as opposed to complaints or grievances, which if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

For grievances of discrimination, harassment, or retaliation of wrongdoing against one's supervisor, or another person in one's chain of command, the employee may, if possible, be assigned to another supervisor pending the outcome of the investigation.

F. Retaliation Prohibited

No City employee will be subject to retaliation for filing a complaint or a grievance under this policy.

G. Principles of the Policy

The City will observe the following additional principles in processing complaints and grievances:

1. The City will make every effort to deal with complaints and grievances as quickly as possible, at the appropriate management level.
2. No decisions on the outcome of a formal complaint or grievance will be made before the matter has been reviewed.
3. Formal complaints and grievances must be submitted in writing. The City reserves the right to investigate verbal allegations of discrimination, harassment, or retaliation. Grievances of violation of state or federal law may be referred to appropriate law enforcement authority.
4. During the complaint or grievance procedure, the complainant, and any person against whom a grievance has been submitted, will have the opportunity to present his/her side before any decision is made.
5. If an employee requests to record a meeting related to a complaint or grievance proceeding, such employee may do so, and in such event, the City shall record the meeting as well and keep the recording with the City's records.
6. An employee may be permitted for an attorney or a "moral support" person to accompany such employee to at a meeting during the complaint or grievance process; however, the attorney or

the “moral support” person will not be allowed to speak on the employee’s behalf but can be there to advise the employee.

7. An employee may request an accommodation for a disability or language barrier, if needed.
8. If at any time the meeting organizer determines the employee's representative is disruptive or uncooperative, the representative may be asked to leave, or the meeting may be terminated.
9. If an employee fails to appeal from one level to the next level within the time limits set forth in this policy, the matter will be considered settled on the basis of the last decision, and the problem will not be subject to further consideration.
10. Because problems are best resolved on an individual basis, the procedure may be initiated by an employee.
11. The City reserves the right to impose appropriate corrective action for any conduct it considers to be disruptive or inappropriate. The circumstances of each situation may differ, and the level of corrective action may also vary, depending on factors such as the nature of the offense, whether it is repeated, an employee’s work record and the impact of the conduct on the organization.

Complaint Procedure:

The City has established the following procedure for lodging a complaint.

1. An employee may initiate the complaint in the two ways: Informally or Formally.
2. **Informal:** An employee is encouraged to discuss concerns with the employee’s supervisor within five (5) business days, or as soon as possible after the event(s) that caused the concern. Upon discussing the issue with one’s supervisor, the employee should address the issue within five (5) business days. If that concern is not resolved with an employee’s supervisor, the employee may bring the issue to the Human Resources Department or Designee. The HR Department or Designee will mediate and attempt to facilitate a solution satisfactory to all parties. If the parties cannot reach a satisfactory conclusion, the employee may file a formal complaint with the HR Department or Designee. The HR Department or Designee will notify all parties if it appears that a satisfactory conclusion is not likely.
3. **Formal:** Prior to filing a formal complaint, an employee must make every effort to resolve the issue with the employee’s supervisor first. When filing a formal complaint, it MUST be in writing and submitted to the Human Resources Department or Designee. The Human Resources Department or Designee may provide the employee with a “Complaint Form”, or the employee may create their own document. The document must include the following:
 - a. A description of the issue with specific facts, include personnel involved, witness(es)
 - b. Events and dates
 - c. What steps the employee has taken to resolve the issue
 - d. How it affected the employee or the workplace and suggestions on ways to resolve the problem; and
 - e. Whether the employee’s management provided a response, and, if so, what the response was.
4. Upon receiving a formal complaint or being advised by a supervisor or Department Head of a complaint, the HR Department or Designee will notify the City Manager.
5. The Human Resources Department or Designee is responsible for the review of formal complaints. The HR Department or Designee may request that a complainant take the complaint to the Department Head for resolution if the Department Head has not been previously notified of the complaint. The respondent’s direct supervisor will be included in the resolution and any investigation of the complaint.

6. Within 5 business days of receiving the written complaint, HR Department or Designee will notify, in writing, to the person(s) charged [hereafter referred to as “respondent(s)”] of a complaint.
 - a. Complaints alleging a misinterpretation of policy will be investigated to determine whether the complaint should be sustained or denied using the procedures set forth below. Complaints for which an investigation is not required because the interpretation of policy is clear will be resolved with by communicating the policy or legal requirements in writing to the complainant and the respondent. Complaints requiring an investigation of the facts will be conducted as described below.
 - b. For complaints about a matter other than a misinterpretation of policy or law, the Human Resources Department, or Designee will assist the complainant in resolving the complaint, including, as appropriate, arranging meetings with appropriate persons to discuss resolution to the complaint.
7. During the investigation, the Department Head may place the respondent on administrative leave (with pay), pending the investigation. The HR Department or Designee together with possible legal counsel assistance, investigative assistance, and/or other management employees, will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.
8. Within 30 days (or longer depending on the type of allegation being filed), HR or other person(s) conducting the investigation will conclude the investigation and submit a written report of his or her findings to the HR Department or Designee.
9. If it is determined a misapplication or misinterpretation of this personnel policy or law has occurred, the Human Resource Department or Designee, in consultation with the respondents’ supervisor and the Department Head, will recommend appropriate resolution. The appropriate action will depend on the following factors: a) the severity, frequency and extent of the misapplication or misinterpretation of the policy or law; b) prior complaints made by the complainant; c) prior complaints made against the respondent; and d) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).
10. If the investigation is inconclusive or if it is determined that there has been no misapplication or misinterpretation of policy or law, but potentially problematic conduct may have occurred, HR may recommend appropriate preventive action.
11. Within five (5) business days after the investigation is concluded, the HR Department or Designee will meet with the complainant and the respondent separately (or together if determined appropriate), notify them of the findings of the investigation, and inform them of the action being recommended.
12. Appealing the resolution:
 - a. The complainant and the respondent may submit statements to the HR Department or Designee, challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) business days after the meeting with the HR Department or Designee in which the findings of the investigation are discussed.
 - b. Within fifteen (15) business days from the date HR Department or Designee meets with the complainant and respondent, the City will begin reviewing the investigative report and any statements submitted by the complainant or respondent. A decision of what action, if any, will be taken. HR Department or Designee will report the City’s decision to the complainant, the respondent and the appropriate management assigned to the department(s) in which the complainant and the respondent work. The City’s decision will be in writing and will include findings of fact and a statement for or against corrective

action. If corrective action is to be taken, the respondent will be informed of the nature of the corrective action and how it will be executed.

13. Extensions may be requested as long as they are in writing and have been presented prior to the documented timeframes described in this policy.

Grievances

The Human Resources Department or Designee will be responsible for the coordination of the grievance and appeal procedures and for the maintenance and control of grievance records.

A. Grievance Procedure:

1. The employee shall have ten (10) business days from the date the incident occurred or from which an employee could have become knowledgeable of the incident, to present to the employee's supervisor a written grievance. The grievance shall contain the following information:

- a. Significant times, dates and actions taken relative to the grievance
- b. Facts upon which the grievance is based
- c. Specific wrongful act and harm done
- d. Remedy or adjustment sought

2. The supervisor has ten (10) business days to resolve the matter orally and in writing to the employee, if possible.

3. If an employee's supervisor does not respond within such ten (10) business days from receipt of the grievance, the employee may present the written grievance to the employee's Department Head and a copy to the Human Resources Department or Designee within five (5) business days of the date the deadline for the employee's supervisor's response. If the employee wishes to appeal the decision of the employee's supervisor, the employee may appeal his/her supervisor's decision within five (5) business days of receipt of the supervisor's response by presenting the employee's appeal to the Department Head with a copy to the Human Resources Department or Designee.

4. The Department Head shall respond in writing within ten (10) business days of receipt of the appeal.

5. If the appeal is unanswered within the specified time limit or the employee wishes to appeal the decision of the Department Head, the employee may file an appeal to the City Manager by presenting a written appeal to the City Manager, with a copy to the Human Resources Department or Designee, within five (5) business days of the deadline for the Department Head's response or within five (5) business days of the date of receipt of the Department Head's response, whichever is sooner.

6. If the Department Head is the employee's immediate supervisor, the employee will file the appeal of the supervisor's decision to the City Manager, with a copy to the Human Resources Department or Designee.

B. Appeal to City Manager

- The City Manager shall, within five (5) business days designate himself or another assignee, to hear the grievance.
- The City Manager or assignee shall review the grievance and may contact the employee to discuss the grievance. The City Manager or the assignee will render a written decision within thirty (30) days after receiving the grievance unless an extension of time is required in order to gather additional information.
- The decisions of the City Manager are final.

C. Additional Procedures for Grievances for Discrimination, Harassment, Retaliation, or Violation of the Law

If an employee has a grievance against such employee's supervisor for discrimination, harassment, retaliation, or violation of law, the grievance should be presented to the Department Head and the Human Resources Department or Designee. If the employee's supervisor is the Department Head, the grievance shall be presented to the Human Resources Department or Designee, who shall promptly notify the City Manager of the grievance.

Grievances for discrimination, harassment, retaliation, or violation of law against the Human Resources Department or Designee Department Head shall be presented to the City Manager.

Grievances for discrimination, harassment, retaliation, or violation of law against the City Manager shall be presented to the Human Resources Department or Designee, who shall promptly report the grievance to the City Attorney and the Mayor. Decisions regarding the outcome of an investigation against the City Manager will be made by the City Council.

The City may use a trained investigator, from inside or outside the organization, to conduct or assist with the investigation into the grievance. The City will take appropriate disciplinary action, up to and including termination, for sustained grievances. Decisions related to the outcome of the investigation may be appealed in accordance with the grievance procedures.

D. Timeframes

The time frames for response by the City are subject to modification on a case-by-case basis due to operational requirements, travel away from the City, in-depth investigations, etc. The City Manager shall have final authority to resolve any disputes regarding the implementation of this Grievance Procedure, including overruling the determination of the appropriate decision makers, except for grievances made against the City Manager.

10. TRAINING

- a. The City seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge and abilities directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources.
- b. Continuing education and meetings with the related travel by an employee are not subject to overtime if the training is not designed for a specific job. Such training is "portable" and allows the person to find work in that profession with another employer.
- c. Employees who are required to attend training or when the City Manager approved training for the benefit of the City will be reimbursed for all eligible expenses.
- d. If a spouse or dependents travel with the employee, the employee will pay for all expenses related to the family travel.
- e. If the employee chooses to use a vehicle instead of air travel, the maximum amount reimbursed will be for economy class airfare.
- f. Airfare used for travel will be limited to economy or coach class.
- g. All provisions of the more detailed travel policy apply.

11. PROMOTIONS, TRANSFERS AND DEMOTIONS

- a. Promotion. A promotion is the assignment of an employee from one classification to another classification with a higher maximum salary/wage. It is City's policy to provide promotional opportunities whenever possible to qualified employees. Employees are encouraged to take advantage of these opportunities and to obtain promotion and career guidance from their supervisors. Such promotion shall be based on the supervisor's evaluation of the employee's work performance, length of service, application to employee's job, the employee's ability to get along with fellow employees and the general public, and the skills and knowledge possessed by the employee as they relate to the new position.
- b. Transfer. A transfer is the assignment of an employee from one department to another, not involving a promotion or demotion, and is available only when there is a vacancy and if it is in the best interest of the City.
- c. Demotion. A demotion is the assignment of an employee from one classification to another classification with a lower maximum salary/wage, or for reasons of disciplinary action or lack of work.
- d. The City encourages current employees to apply for vacant positions for which they are qualified. Promotions and transfers are based on the department head's recommendations, work force requirements, performance evaluations, job descriptions and related City requirements.
- e. Regular employees are eligible for promotion, transfer, or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed the trial period and possess the qualifications for the vacant position, unless such requirements are waived by the City Manager in the best interest of the City. A transfer between departments must be approved by both department heads.
- f. Any employee who has been transferred or promoted to a different position is subject to the trial period for the new position.
- g. An employee is ineligible for transfer or promotion if any written disciplinary actions have occurred within the previous 6 months.

12. BENEFITS

The City will comply with any legally mandated benefit requirements for the above classes of employees.

12.01 Retirement Benefits

- a. The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.
- b. All regular full-time employees and employees in their trial period, become members in the Texas Municipal Retirement System (TMRS). The employee contributes 5% of their pay to the retirement fund as a payroll deduction each payroll. The City contributes a percentage of funds to the retirement system to guarantee the employee retirement

income to match with a 2 to 1 ratio at the time the employee draws a regular monthly retirement check from TMRS. Early withdrawal of deposits causes forfeiture of the City's matching portion.

The employee is vested after 5 years, and if the employment is terminated after 5 years and the employee does not withdraw the deposits, he/she becomes eligible for service retirement at age 60.

Employees may retire at 60 years of age or when he/she has worked for the City for 25 years, whichever comes first.

Employees who have worked for the City of Dalhart less than 60 months but are employed with another TMRS City may not withdraw their deposits from the retirement account, because the membership in TMRS does not terminate.

Employees who have worked for the City of Dalhart less than 60 months and are not employed with another TMRS City within 60 months, must withdraw their deposits within 60 months following their termination. The retirement deposits may be rolled over into a qualified personal retirement account to avoid taxes and penalties.

- c. Employees intending to retire should notify their department head of their intent to retire at least three months prior to the date of retirement.
- d. Money held in the retirement account may not be withdrawn during employment for any reason.

12.02 Workers Compensation and Injury Leave

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

Employees must report immediately any conditions that, in their judgment, threaten the safety of employees or visitors to their supervisor. An employee is encouraged to make suggestions to that employee's supervisor for improvements that would make the City workplace safer or more healthful.

- a. The employee must report every on-the-job injury or accident, no matter how minor, to the employee's supervisor within twenty-four (24) hours. Failure to report an on-the-job injury or accident, no matter how minor, is grounds for corrective action.
- b. If an employee is injured on the job, the employee should immediately seek medical treatment as necessary.
- c. On the job injuries may be covered by Workman's Compensation benefits under the provisions of the Texas Workman's Compensation Act if the injuries were sustained in the course and scope of employment.
- d. Injuries are not covered if they were the result of an employee's horseplay willful criminal acts or self-injury, intoxication from drugs or alcohol, voluntary participation in an off-duty recreational activity, a third-party's criminal act if directed against the employee for a personal reason unrelated to employment, or the acts of God.

- e. The City may contract with an insurance provider to cover this benefit.
- f. The City may require an examination, at the City's expense, performed by a physician of its choice, to determine when the employee can return to work and if the employee will be capable of performing the duties and responsibilities of the position.
- g. Neither the City of Dalhart nor the employee will be liable for payment of statements that were refused by the insurance carrier or are un-allowed.
- h. Termination of Leave. Injury leave shall be terminated if:
 1. The injury is determined by authoritative medical advice to be permanent,
 2. The employee has applied for and been awarded disability retirement,
 3. The employee does not follow the restrictions of the physician or disregards a physician's instruction regarding treatment of the injury,
 4. The employee made any false statements regarding a work-related injury,
 5. The employee is found to be working in any capacity for another employer or for him/herself in a personal business,
 6. The employee resigns or is dismissed from City employment for any reason,
 7. The employee refuses to perform light duty or other work within his/her capability when authorized by a physician,
 8. The employee falsifies or misrepresents his/her physical condition as worse than it in fact is,
 9. The employee violates any section of this Personnel Policy.

12.03 Insurance Benefits

- a. Regular full-time employees are eligible to participate in the City's insurance programs upon successful completion of 90 days of employment, unless otherwise stipulated by law.
- b. The City will provide health insurance coverage and basic life and AD&D insurance (\$10,000 for most employees; \$20,000 for Department Heads) at no cost to the eligible employee. Dependent coverage, dental, vision and additional life insurance are available at the employee's expense and must follow the rules of the insurance carrier. Details on eligibility of dependents and qualifying event requirements may be obtained from the office of the Finance Director. Should any covered employee or dependent cease to qualify for coverage, COBRA continuation rights may be exercised. Any administrative handling fee will be charged to the employee. The cost of any chosen optional coverage will be deducted from the employee's payroll check in even installments for 2 pay rolls per month. There will be 2 months in each year with 3 payroll checks and the third payroll check of the month will not have the deduction.
- c. Any employee may make changes to the optional coverage during Open Enrollment, and changes will be effective in October. Otherwise, changes may only be made within 30 days of a qualifying event in accordance with the requirements by the insurance carrier.
- d. If an employee is temporarily not receiving compensation for any reason, the employee must make arrangements in advance to provide for the payment of his/her dependents

or optional premiums. Subject to certain conversion privileges under the policy and applicable laws, failure to pay will result in the termination of benefits.

- e. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- f. During an approved unpaid leave of absence or FMLA leave for period not to exceed 30 days, and upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage for the employee. For absences exceeding 30 days, COBRA continuation rights may apply to continue health coverage at the employee's expense.
- g. When an employee is receiving Worker's Compensation supplemental income benefits for more than 30 days, the City will continue to pay the employee's health insurance premiums until the end of the calendar month following the month with the first date of continuous absence, after which the employee may choose to use their COBRA rights and self-pay insurance premiums. (Example: an injured employee has been working light duty after an injury but is then scheduled for surgery. The surgery is on 6/15 and the employee cannot return to work for an extended period. The health insurance coverage paid by the City ends on 7/30 and the employee can elect the COBRA coverage until he/she returns to work.)
- h. In case of a conflict between this policy, insurance regulations, and State or Federal requirements, the insurance and State or Federal law supersedes this policy.

12.04 Deferred Compensation Plans

The City offers optional deferred compensation plans which offer an array of additional insurance, investment, and tax saving opportunities. Regular full-time employees may participate in these programs through payroll deduction. Details and contact information may be obtained at City Hall. The City does not advise any employee on any investment options or insurance products offered through the deferred compensation plan.

12.05 Leave and Time-Off

The City has nine (9) different types of leave:

Vacation leave

Sick leave

Leave without pay

Jury and Witness leave

Military leave

Administrative leave

Holiday pay

Funeral leave

Voting

(Compensatory time off is time worked in a previous pay period and not considered a benefit)

All earned time off is calculated based on the employee's base pay rate at the time of absence.

a. Vacation

1. Each regular full-time employee is entitled to vacation leave as follows:
 - A. During the trial period vacation leave is accrued at a rate of 3.077 hours per pay period, an equivalent of 80 hour per year for a full year of work. No vacation leave may be taken during the trial period. At the end of the trial period, the amount earned during the trial period will be available for use.
 - B. After the completion of the trial period, vacation is accrued at a rate of 3.077 hours per pay period.
 - C. Upon completion of ten (10) years of consecutive service, employees accrue vacation at a rate of 4.615 hours per pay period, an equivalent of 120 hours per year for a full year of work. The change to the new accrual will be made in the pay period following the anniversary date.
 - D. Upon completion of twenty (20) years of consecutive service, employees accrue vacation at a rate of 6.154 hours per pay period, an equivalent of 160 hours per year for a full year of work. The change to the new accrual will be made in the pay period following the anniversary date.
2. Regular full-time employees shall receive additional vacation days yearly in accordance with the number of sick leave hours accrued during the previous calendar year. The rate shall be as follows:
 - 64 sick hours accrued = 8 hours additional vacation time
 - 80 sick hours accrued = 16 hours additional vacation time
 - 96 sick hours accrued = 24 hours additional vacation timeThis additional vacation time is calculated after January 1st for the previous calendar year and added to the time available.
3. Police officers who are on shift schedule and are not able to take the approved holidays will receive an additional 48 hours of vacation throughout the year in lieu of holidays, accrued on a prorated basis of 1.846 hours per pay period.
4. Vacation leave may be taken in 15-minute increments.
5. Vacation leave shall not be advanced to employees under any circumstances.
6. Vacation leave credits shall not be transferrable between employees.
7. Each department is responsible for scheduling its employees' vacation without undue disruption of department operations. Written leave requests should be submitted at least two weeks prior to taking vacation leave. In case of scheduling conflicts, more than one employee requesting vacation for the same period, or workload in the department causing the department head to deem it not to be in the best interest of the City to grant the vacation, the employee who had the vacation approved in writing first will be given the preference and privilege of the vacation, if granted. At the department head's discretion all vacation requests may be denied during the time of the scheduling conflict. Employees may request to take their vacation at a different time.
8. Vacation time may be carried forward to the following calendar year up to a maximum accumulation of forty (40) hours. Any time over 40 hours on December 31 will be lost and there will be no compensation for the lost time.

9. Vacation leave benefits do not accrue during leave without pay or injury leave. Temporary and part-time employees do not receive vacation benefits.
10. Employees are eligible to sell some vacation hours back to the City, up to the hours used during the pay period. The written request must be approved by the employee's supervisor and City Manager. The sold vacation time will be payable in the pay period in which the vacation time falls. All appropriate deductions will be withheld from the sold vacation time. The maximum amount to be sold is 80 hours per year with a minimum request of 40 hours, and must be used in conjunction with vacation leave taken. The requirement for vacation leave taken is (3) days for 40 hours and (5) days for 80 hours.
11. An employee who becomes ill during his/her vacation leave may designate the time off due to illness as sick leave, provided that he/she submits documentation of the illness from a medical professional.
12. Employees who are members of a volunteer fire department and must attend out-of-town training to maintain their certification may use vacation time during their absence. The employee will need to schedule the absence as early as possible to allow scheduling of absences.

b. Sick Leave

1. All full-time regular employees accrue sick leave benefits at the rate of 3.692 hours per pay period, an equivalent of ninety-six (96) hours per year.
2. Sick leave may accumulate to a maximum of 720 hours (90 days) at the end of the calendar year. Any sick leave over 720 hours on December 31 will be lost and there will be no compensation for the time.
3. Part-time and temporary employees do not earn sick leave benefits.
4. There is no sick leave pool and earned sick leave is not transferrable.
5. Employees accrue and may use sick leave during their trial period.
6. Employees do not accrue sick leave benefits during leave without pay, injury leave, or injury or sickness as a result of another job.
7. Sick leave covers the following situations in which an employee is absent from work due to:
 - A. Physical injury or illness to the employee, except work related injuries.
 - B. The need to care for the employee's immediate family member, who is unable to care for themselves because of illness or serious health condition.
 - C. Medical or dental appointment for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the workday.
 - D. Exposure to a contagious disease where on-the job presence of the employee would jeopardize the health of others.
 - E. Use of a prescription drug which impairs job performance or safety.
 - F. Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability. Vacation leave and compensatory time must be used before leave without pay may be used.

- G. Employees will not be entitled to sick leave when absent from work for the following reasons:
- Injury, sickness, or disability purposely inflicted or caused by willful misconduct by the employee.
 - Injury, sickness, or disability sustained during leave without pay.
 - Injury, sickness, or disability acquired as a result of another job.
 - Injury, sickness or disability as a result of a worker's compensation claim with the City, except for the first seven calendar days after the injury or time off as a result of the injury.
8. A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs their ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.
 9. An employee shall not be permitted to engage in any employment or business outside of their regular City duties during absence due to illness or injury until the employee has returned to work. The City Manager may grant an exception on a case-by-case basis, but the approval from the City Manager must be obtained prior to the employee engaging in outside employment.
 10. Evidence of sick leave abuse is grounds for disciplinary action, up to and including dismissal. Supervisors may investigate any sick leave claim and disapprove any claim not properly substantiated.
 11. When an employee's accumulated sick leave has been exhausted, unused vacation leave may be used as sick leave. When absence due to illness exceeds the amount of leave available, the pay of the employee shall be discontinued. The employee will then be either carried absent without pay or terminated, as recommended by the supervisor, and approved by the City Manager.
 12. After completing one year of service, if an employee terminates employment with the City, the employee is eligible to be paid for up to (2) weeks of unused sick leave, if it is available.
 13. Leave under "Family and Medical Leave Act"
 - A. General

The Family and Medical Leave Act (FMLA) allows an employee, if eligible, to take job protected leave for specified family and medical reasons. FMLA leave is not paid, but the employee is allowed to use that employee's available paid leave while on FMLA. The City observes a "calendar" year for the purpose of FMLA. This period resets January 1st of each calendar year.

An employee is entitled to take Military Caregiver Leave, as appropriate. Applicable other types of paid leave must be used concurrently with FMLA leave unless none is available. This is done so an employee will continue to be paid while on FMLA leave. Other leave categories may include Workers Compensation, Disability Leave or any

other leave as defined by policy. Any time an employee does not work will be counted against said employee's FMLA leave entitlement.

B. Eligibility Requirements

An employee is entitled to take FMLA leave if such employee:

Has worked for the City for at least 12 months, and

Has at least 1,250 hours of service for the City during the 12-month period before taking leave.

C. FMLA Leave Entitlement

An Employee may take up to 12 workweeks of leave (**480 hours**) in a 12-month calendar year beginning January 1 for one or more of the following reasons:

1. The birth of a son or daughter or placement of a son or daughter for adoption or foster care.
2. To bond with a child (leave must be taken within 1 year of the child's birth or placement).
3. To care for a spouse, son, daughter, or parent (but not a parent-in-law) who has a serious health condition (for definition of a family members, refer to subsection 6.9.12).
4. For a serious health condition that makes an employee unable to perform the essential functions of his/her job. Refer to the FMLA 29 CFR Part 825.113 for an explanation of "what is a serious health condition" and "what is NOT a serious health condition".
5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status; provide leave orders.
6. A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. See 29 CFR Part 825.124.

D. Military Caregiver Leave

An employee, if eligible, is entitled to take up to 26 workweeks of unpaid FMLA in a single 12-month calendar year beginning January 1st to care for a **covered** servicemember with a serious injury or illness for one's spouse, son, daughter, parent, or next of kin of the servicemember. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty or active duty that may render the service member medically unfit to perform the duties of their office, grade, rank, or rating. The single 12-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established by the City for other types of FMLA leave. An eligible employee is limited to a combined total of twenty-six (26) work weeks of leave for any FMLA-qualifying reason

during the single 12-month period. (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member).

Spouses employed by the same employer are limited to a combined total of twenty-six (26) work weeks in a single 12-month period if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition. FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness.

Notice and Certification Requirements: Employees that are seeking to use military caregiver leave must provide thirty (30) days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but thirty (30) days' advance notice is not practical, the employee must provide notice as soon as practical – generally, either the same or next business day. When the need for military family leave is not foreseeable, an employee must provide notice to the City as soon as practical under the facts and circumstances of the particular case. Generally, it should be practical to provide notice for unforeseeable leave within the time prescribed by the City's usual and customary notice requirement. The City requires the completed WH-385 Certification for Serious Injury or Illness for Military Family Leave. Please submit to the Human Resources Department or Designee.

E. Qualifying Exigency Leave

The City must grant the employee, if eligible, up to a total of twelve (12) work weeks of unpaid leave during the normal 12-month period established by the City for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the regular armed forces.

Qualifying Exigencies Include:

1. Issues arising from a covered military member's short notice deployment (i.e., deployment in seven (7) or less days of notice) for a period of seven (7) days from the date of notification.
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active-duty status of a covered military member.
3. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are

necessary due to circumstances arising from the active duty or call to active duty of the covered military member

4. Making or updating financial and legal arrangements to address a covered military member's absences.
5. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active-duty status of the covered military member.
6. Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short term temporary, rest and recuperation leave during deployment.
7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active-duty status, and addressing issues arising from the death of a covered military member.
8. Any other event that the employee and the City agree is a qualifying exigency.

Certification: The City will require an employee to complete the WH-384 for obtaining qualifying exigency certification. The City may also request a copy of the military member's active-duty orders or other such orders as the Rest and Recuperation orders, or other documentation confirming the dates of the member's leave.

F. Requesting FMLA Leave

An employee shall notify the City as soon as the employee is aware of a potential need for FMLA. The employee must provide the City with at least 30-day notice if possible. If a 30-day notice is not possible, the employee must notify the City as soon as that employee becomes aware of his/her upcoming absence. The employee's supervisor or other City staff will direct the employee to file the DOL Notice of Eligibility and Rights & Responsibilities and will request additional information such as a medical certification from the medical provider so the City can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the City that an employee will be unable to perform their job function, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. If the certification is incomplete, the City will indicate in writing what additional information is required.

NOTE: The City will not request a certification for leave to bond with a healthy newborn child or a child placed for adoption or foster care. However, the City may request documentation to confirm the family relationship.

Leave may begin upon the requested date for the leave or when the City initiates FMLA leave. The City will initiate FMLA leave if an employee has been out of work due to an illness or other apparent qualifying condition but have not given notice of the need for FMLA leave, and if the employee has been absent for fifteen (15) calendar days or more due to an eligible FMLA qualifying reason. Supervisors and Directors must report to HR Department or Designee any time an employee misses work for 15 or more calendar days because of the employee's own illness or injury or that of a spouse, child, or parent.

The City will designate in writing whether FMLA leave is approved or is in need of additional clarification on the certification and whether the employee is in an active or inactive pay status.

Working a 2nd job: If an employee is on FMLA leave, that employee may not work a secondary employment, or engage in any activity that is inconsistent with restrictions as prescribed by the FMLA certification.

G. Intermittent

FMLA Leave 29 CFR Part 825.202-205:

In all circumstances, an employee must notify the City for the need for Intermittent FMLA Leave. Under some circumstances, an employee may take FMLA leave on an intermittent or reduced schedule basis. That means that employee may take leave in separate blocks of time or by reducing the time the employee works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the department's operations. If an employee is taking intermittent leave, the employee is required to comply with the department's call-in procedures before taking unscheduled intermittent leave, except in certain emergency cases.

Notice: An employee must obtain written approval from the City and indicate the reasons why the intermittent or reduced leave schedule is necessary and of the schedule for treatment, if necessary.

H. When Both Spouses Work for the City

If spouses are both employed by the City, and each wishes to take leave, the combined total leave that the spouses can take for the birth or adoption of a child, placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, is limited to 12 weeks. This limitation does not apply to leave for either spouse's own serious health condition or the serious health condition of a child.

- If the baby is healthy, both spouses may only take a combined total of 12 weeks of leave.
- If the baby has a serious health condition, the spouses may EACH take 12 weeks of FMLA if needed to care for the newborn during the applicable 12-month leave period (825.120(6)).

If both spouses work for the City and each wish to take leave to care for a covered injured or ill military service member of their family, the spouses may only take a combined total of 26 weeks of leave.

I. Benefits during Leave

While an employee is on leave, the City will continue such employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. Depending upon the circumstances, the City will communicate a payment arrangement with the employee.

However, if a payment arrangement has not been made and the employee chooses not to return to work for reasons other than such employee's own continued serious health

condition or the employee's family member's serious health condition or a circumstance beyond such employee's control, the City will require such employee to reimburse the City the amount it paid for the health insurance premium during the leave period. An employee is required to pay for such employee's share of the voluntary benefit premiums (i.e., medical, dental, disability, life, flexible spending, etc.).

While on *paid leave*, the City will continue to make payroll deductions to collect an employee's share of the premiums.

While on *unpaid leave*, the employee must continue to make this payment, either in person, by mail or auto debit. The payment must be received by the City by the 25th day of current month for the upcoming month's coverage. If the payment is more than 30 days late, the benefit coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage. If for some reason the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

J. FMLA Leave Exhaustion

If an employee is unable to return to work from a serious illness or injury, such employee may request a Medical LOA after FMLA leave is exhausted. The City will review each request on a case-by-case basis before making a determination about whether the request for Medical LOA is applicable and reasonable.

K. Return-to-Work Certification

As a condition of restoring an employee back to work when such employee has been on FMLA as a result of the employee's own serious health condition that made the employee unable to perform the employee's job, the City may require the employee to obtain and present a certification from the employee's health care provider, at the employee's expense, stating the employee is able to resume work. Additionally, the City may require that the certification specifically address the employee's ability to perform the essential functions of the job. In order to require such a specific certification, the City will provide the employee's job description and the City will indicate in the designation notice that the certification must address such employee's ability to perform those essential functions. Such employee will be required to provide a certification from the health care provider stating the employee can perform all of the identified essential functions of his or her job. Such employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the City) in the fitness-for-duty certification process as in the initial certification process.

Certification Situations: If a doctor certifies in writing releasing an employee back to duty WITH restrictions, it is that employee's responsibility to share that certification with the employee's supervisor and HR Department or Designee. The employee's supervisor will review the restrictions in relation to the job description to determine if the employee's restrictions can be accommodated.

Each situation is unique and while one situation lends itself for an accommodation, another job may not be appropriate for an accommodation. Each case stands on its own merit based upon the facts of injury and the type of position held.

Restrictions Accommodated: If an employee's restrictions can be accommodated, that employee will need to bring the doctor's note each time such employee has a follow-up appointment as well as the certification releasing back to full duty.

Accommodations can vary from small changes in an employee's work schedule to small changes in the employee's work environment, or perhaps having the employee working on an intermittent schedule (such as can only work 4 hours per day).

Follow-up Appointments: An employee shall use available sick or vacation time for follow-up appointments.

Restrictions Can't Be Accommodated: If an employee's doctor's restrictions can't be accommodated, or the accommodations offered can't be followed by the employee 1) the employee will remain on FMLA and can only return to work once the employee's doctor releases the employee to full duty, or 2) the employee's FMLA becomes exhausted.

Examples, which are not exclusive, of when an employee cannot follow the doctor's restrictions, therefore, the employee will remain on FMLA until such restrictions have been lifted and the employee can return to full duty:

- The doctor's note states the employee can work four (4) hours per day. However, the employee's injury becomes too painful to operate a motor vehicle
- The doctor's note states the employee must take pain medications that alters the employee's judgment
- The doctor's note states the employee can work half days; however, the employee's car was totaled and carpooling with a co-worker will not work because he/she can't accommodate the employee's half day schedule.

Another common situation when an employee is about to be released back to duty is that the doctor indicates the employee needs to attend physical therapy (PT); the doctor should document a tentative schedule and duration.

To minimize the disruption on the department due to an employee's absence, the employee should make every effort to obtain PT appointments or doctor's follow-up visits at the beginning of the workday, lunchtime, or at the end of the workday.

c. Leave Without Pay

1. The City Manager or designee may grant leave of absence without pay for an absence from work not covered by any other type of leave, or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) days per year.

2. Regular full-time employees and full-time employees during their trial period are eligible for leave without pay. The following requirements apply to situations other than FMLA leave:
 - A. All leaves must be approved by the Department Head in advance for up to 80 hours per calendar year. For any leave request in excess of 80 hours per calendar year or when an employee has already used 80 hours during the year, the City Manager must approve a written request stating the reason, beginning and ending date or each day or hour requested.
 - B. Accrued compensatory time and vacation leave, if any, must be exhausted prior to taking any leave without pay.
 - C. All employee benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay. For short term absences a prorated amount will be withheld from the accrual.
 - D. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay, if available.
 - E. If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position.
 - F. Repeated and excessive absences of leave without pay or absence on a day that leave was denied may lead to disciplinary action including termination.

d. Jury and Witness Leave

1. Employees may be granted time off with pay to serve on a jury or as a court witness. This applies if the court appearance is work related or is a summons for jury duty to fulfill the duty as citizen. It does not pertain to court appearances related to personal business.
2. Employees must show the jury summons or other court documentation to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. The employee is expected to report to work after completing his/her civic duty.
3. An employee granted such leave shall reimburse the City for any pay received while serving as a juror or witness, if it exceeds his expenses. (Example, there would be no expenses to serve in Dallam County but would have travel expense to Channing in Hartley County).
4. If the court appearance is of a personal matter to the employee (i.e., divorce, liability suit, etc.) either as a defendant, plaintiff or witness, the employee may take vacation, compensatory time off or leave without pay.

e. Military leave

Any full-time employee, who is a member of the National Guard or Federal Reserve Military Unit, may be absent from their duties, with pay and benefits, for a period of up to fifteen (15) days per calendar year when they are performing ordered training duty. In order to receive this benefit, an employee must provide copies of his/her official orders to the City Manager for review and approval of the leave benefit.

The City complies with all applicable laws relevant to military service leave and re-employment.

f. Administrative Leave

On a case-by-case basis, the City may place an employee on administrative leave with pay for an indefinite period of time, as determined by the City Manager to be in the best interest of the City during a pending investigation or other administrative proceeding.

g. Holiday Pay

1. The following holidays are recognized by the City:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Texas Independence Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Day after Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Friday after Thanksgiving
- Day before Christmas Eve
- Christmas Eve
- Christmas Day
- Floating Personal Day

2. Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated the following Monday.

3. To be eligible for holiday pay, regular full-time employees (including those in the trial period) must be in a pay status on the last scheduled day immediately preceding the holiday and the first scheduled day immediately following it.

4. If a recognized holiday falls during an eligible employee's paid absence (vacation, sick leave) holiday pay will be provided instead of the paid time off benefit that would

otherwise have applied.

5. Temporary and part-time employees will be paid at their regular straight-time rate for hours worked on a holiday, if any.
6. Police officers who are on shift schedule and are not able to take the approved holidays will be paid time and a half when they work a holiday as well as 8 hours holiday pay.
7. Public Works full-time regular employees required to work on a holiday will receive holiday pay also overtime pay or compensatory time for the hours worked on the holiday. Public Works full-time regular employees expressly authorized but not required to work on a holiday will receive holiday pay and straight time pay or straight compensatory time.
8. 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 or compensatory time.

h. Funeral Leave

The City Manager may grant up to three days for time necessary to attend the funeral of an immediate family member per occurrence. Vacation leave may be taken in addition to the funeral leave for out-of-town funerals.

i. Voting

All employees entitled to vote at national, state, county, or municipal elections shall, when necessary, be allowed two (2) Hours with pay to exercise this privilege. Employees are encouraged to participate in the early voting process, when possible, to minimize interruptions in the workday.

12.06 Longevity Pay

The City of Dalhart may provide longevity pay to regular full-time employees who have completed the trial period. The pay is based on wages on November 1 of each year and is determined by the City at the time the City enacts the pay.

12.07 Certification Pay

The City offers a Certification Incentive Pay to qualified employees to recognize that some jobs require capabilities above and beyond the normal duties of most other employees, or when a certification of the employee is beneficial to the City, but not required for the specific position. If an employee can demonstrate and maintain a proficiency which meets these additional demands, he/she may be entitled to certification incentive pay. Incentive pay is in addition to all other wages and salaries received. The City Manager determines what, if any, incentive pay is offered.

12.08 Vehicle Allowance

Some employees, because of the nature of their responsibilities, may be compensated for the use of their personal vehicles while on official business. Eligible employees may be compensated

on a monthly set rate reimbursement. The amount and eligibility of car allowances are made during the annual budget preparation process.

Any allowance over \$200.00 per month will include travel within a radius of 90 miles from the City of Dalhart and the employee is expected to use the personal vehicle, unless the nature of the trip requires that a City vehicle is taken.

Car allowances of \$200.00 per month or less do not include mileage to out of town events and travel will be reimbursed at the rate adopted by the City.

All vehicle allowances are subject to income tax.

12.09 Commuting in City Vehicle

Some employees, because of the nature of their responsibilities, may take a City vehicle home after hours. Except for emergency responders, such as police officers and fire marshal, the employee will be taxed for the benefit in accordance with IRS rules. All rules regarding City vehicles apply as described in chapter 13.04.

12.10 Cell Phone Reimbursement

Some employees, because of the nature of their responsibilities and if not provided a cell phone by the City, are using their personal cell phone in the course of City business and will be reimbursed for their expenses on their paycheck. The amount of reimbursement will be set by the City Manager.

12.11 Uniforms

The City of Dalhart will buy, rent, or lease uniforms for regular full-time employees.

Employees with issued uniforms are required to wear their uniforms during all working hours.

All employees are expected to wear their uniforms in a neat, clean, and respectful manner. Only pins, labels, badges, or other items approved by the City Manager may be worn on uniforms.

In no event may an employee consume alcoholic beverages while wearing a City uniform.

Uniform shirts which display the City's name and/or the department may not be worn after hours or at a second job, regardless of the amount of time involved.

If jeans are provided to the employee, a benefit will be reported on the employee's pay stub and the benefit is taxable under IRS law.

Should the employee choose a different style of jeans than the standard issue, the additional expense will be a deduction on the employee's payroll.

12.12 Educational Assistance

In an effort to develop a better educated and more highly skilled workforce, the City of Dalhart provides educational assistance to its employees in accordance with these guidelines.

- a. Educational assistance will be provided only for courses of study which are directly related to the employee's present job, or which will enhance the employee's potential for advancement to a position within the City which the individual has a reasonable expectation of achieving.
- b. The courses or programs must be offered by accredited institutions of learning and cannot

- exceed seven hours per semester.
- c. Only full-time employees are eligible.
- d. The employee must have completed one year of service with the City.
- e. Educational assistance provided are secondary to other sources, such as Veterans Administration benefits or grants.
- f. To be eligible for reimbursement of education costs, requests must be approved prior to enrollment.
- g. The City Manager and supervisor will evaluate if the nature and purpose of study benefits the City and the estimated cost.
- h. Upon successful completion of the course, the employee must submit certified transcripts of grades and receipts of expenses uncured. The City will reimburse for cost of tuition, textbooks, and registration, laboratory and library fees. No expenses will be paid for in advance.
- i. An employee who is terminated during enrollment, or who is unable to complete the course will not be reimbursed for expenses associated with the course.
- j. Class attendance and completion of study assignments shall be accomplished outside of the employee's regular working hours unless approved by the City Manager. It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance and termination of employment.
- k. If the employee leaves the City voluntarily or is terminated for cause within six months of completion of the course, the employee must repay the full amount reimbursed by the City for the last semester.

12.13 Service Awards

It is the policy of the City to recognize long and faithful service to the organization by presenting service awards to eligible employees.

All permanent full-time employees shall receive a service award upon completion of five years of continuous service and at the end of every five years of continuous service thereafter.

Service awards will be presented at a Council meeting.

13. EMPLOYEE RESPONSIBILITIES AND CONDUCT

13.01 General Policy

- a. The safety and welfare of the City's citizens shall at all times be held as a central mission of government. All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.
- b. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are:

1. Basic tact and courtesy toward the public and fellow employees.
 2. Adherence to City policies, procedures, safety rules and safe work practices.
 3. Compliance with directions from supervisors.
 4. Preserving and protecting the City's equipment, grounds, facilities, and resources.
 5. Providing orderly and cost-efficient services to its citizens.
- c. Employees are expected to maintain a good credit standing in the community and to pay their obligations promptly. Failure to do so may be just cause for disciplinary action.

13.02 Outside Employment and Conflicts of Interest

- a. Employees shall not, directly, or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform the assigned City job. Outside employment not allowed includes, but is not limited to, employment which:
 1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
 2. Is conducted during the employee's work hours.
 3. Utilizes City telephones, computers, supplies, or any other resources, facilities, or equipment.
 4. Is with a firm that has contracts with or does business with the City.
- b. No officer or employee of the City shall have a financial interest, direct or indirect, by reason of ownership of stock in any corporation, in any contract with the City, or be financially interested in the sale to the City of any land, material, supplies, or services.
- c. An employee who chooses to have an additional job, contractual commitment, or self-employment, may do so provided the employee obtains prior approval from the employee's immediate supervisor. Sick leave may not be used for injuries received during outside employment.
- d. An employee who is injured on a second job will not be eligible to return to his regular position until he is completely capable of performing his duties and has received a full release for return to regular duty from the attending physician.

13.03 Political Activities

- a. City employees may participate in political or partisan activities of their choosing, provided that:
 1. City resources and property are not utilized.
 2. The activity does not adversely affect the responsibilities of the employees in their positions.
 3. Employees are not in a City uniform or while representing the City in any way.
- b. An employee who is on City time may not:
 1. Wear or display any pin, button, label, badge, or sticker relevant to any candidate, ballot issue, or political issue.
 2. Solicit a contribution for a partisan political issue or candidate.
 3. Distribute campaign material.

4. Allow others to use City facilities or funds for political activities, except for renting the Coliseum or Pavilion for the regular rental fee.
 5. Make a public political speech supporting or opposing a candidate for public office.
 6. Circulate or sign a petition for a candidate.
 7. Solicit votes for a candidate.
- c. City employees shall not campaign for or against any candidate for a City office (i.e., Mayor or City Council).
- d. Nothing in this section shall be construed to prevent employees from:
1. Becoming or continuing to be members of any lawful political organization.
 2. From attending political meetings after working hours.
 3. From expressing their views on political matters after working hours.
 4. From voting with complete freedom in any election.

13.04 Use of City Equipment

- a. Equipment and vehicles are essential in accomplishing job duties and are expensive to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Equipment and vehicles that appear to be damaged, defective or in need of repair should be repaired by the employee immediately or if not possible the supervisor should be notified immediately to answer any questions about the maintenance and care of the equipment to prevent deterioration and possible injury to employees or others. Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic violations, can result in disciplinary action, up to and including termination.
- b. City equipment, including vehicles, shall be used by employees for City business only.
- c. No passengers (including family members) may be carried except those on official City business.
- d. City vehicles may not be taken home if the employee lives more than two miles from the City limits unless approved by the City.
- e. Use of City phones for local personal phone calls should be kept to a minimum. Long distance and cell phone personal use are prohibited, except where the employee contributes to the cell phone bill through payroll deduction.
- f. Employees' misuse of City services, telephones, vehicles, equipment, or supplies can result in disciplinary action, including termination.

13.05 Bulletin Boards

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the City Manager.

13.06 Contact with Media

The City Manager or designated department head shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The City Manager or department head may designate specific employees to give out procedural, factual or historical information on particular subjects.

13.07 Seat Belt Policy

- a. Anyone operating or riding in City vehicles, or equipment with seat belts installed, must always wear seat belts.
- b. Failure to wear seat belts may result in disciplinary actions, including termination.
- c. In case of an accident, the failure to wear a seat belt may result in loss of eligibility for benefits, including worker's compensation benefits.

13.08 Driver's License Requirement

- a. As part of the requirements for certain specific City positions, an employee may be required to hold a valid Texas State Driver's license.
- b. If an employee's license is revoked, suspended, or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify the department head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to the department head.
- c. Depending on the duration of license suspension, revocation, or other inability to drive, an employee may be subject to disciplinary action, including termination.

13.09 Safety

- a. The establishment and maintenance of a safe work environment is the shared responsibility of the City and employees from all levels of the organization. The City will attempt to do everything within its control to assure a safe environment and compliance with federal, state, and local safety regulations.
- b. Every employee is expected to always comply with State and Federal law, including all traffic laws.
- c. Every employee is responsible for maintaining a safe work environment and following the City's safety rules, while exercising caution in all their work activities. Negligence in adherence to on-the-job safety standards will be considered grounds for discipline and/or termination. Each employee shall promptly report all unsafe or potentially hazardous conditions to the department head. The City will make every effort to remedy problems as quickly as possible.
- d. Disabling or tampering with safety features, including but not limited to switches, guards, or sensors, is strictly prohibited. Faulty equipment must be tagged to be "out of service" and may not be used until repaired.

- e. In case of an accident involving a personal injury or property damage, regardless of how serious, employees shall immediately notify their department head and the Police Department.
- f. The City makes available all necessary safety equipment in order to protect the employee at the City's expense. All employees are required to use the provided equipment as instructed by the Department Head or by City policy. Failure to use the provided equipment may result in disciplinary action.

13.10 Alcohol and Substance Abuse

A. General Purpose

The City recognizes that alcohol and/or drug use increases risk of accidents, places others' safety at risk, decreases productivity, and increases medical expenditures. In order to achieve a safe and harmonious work environment, any employee who is involved in use, abuse, or trafficking, on or off the job, may have an adverse impact both on the health, safety and welfare of our citizens, the workplace and fellow employees; and may impair the City's ability and efforts to maintain a safe work environment that is free from the effects of drugs.

Employees are prohibited from reporting to work or work-related activities under the influence of prohibited drugs, alcohol, over the counter & prescription drugs that may adversely affect their ability to perform their job safely.

The City reserves the right to take corrective action, up to and including termination, in the event an employee has off duty involvement with controlled substances or alcohol is damaging to the City's reputation or business and/or is inconsistent with the employee's job duties, or when such off duty conduct results in impairment of the employee's job performance.

This policy applies to employees and job applicants. No part of this policy is intended to conflict in any way with the regulations set forth by the Department of Transportation (DOT). If there is a conflict, DOT employees are responsible to follow the City's DOT policy in section 9.10 DOT Drug and Alcohol.

B. Prohibited Activities (non-exclusive)

The following acts are prohibited:

1. The use of cannabis/THC containing compounds. The use of those products remains prohibited and brings risk of discipline.
2. The use, possession, manufacture, distribution, dispersion, or sale of illegal drugs on City premises, in City supplied vehicles, or during working hours.
3. Unauthorized use, possession, manufacture, distribution, dispensation or sale of a controlled substance, dangerous drugs, or alcohol on City premises or while on City business, in City supplied vehicles, or during working hours.
4. Storing in a locker, desk, automobile or other repository on City premises or property, any illegal drug, controlled substance, or alcohol; refusing to submit to a search or inspection under the provisions of this policy.
5. Having an unauthorized controlled substance or illegal drug in one's system while on City premises or City business, in City supplied vehicles, or during working hours or being under the influence of alcohol and not reporting such to the immediate supervisor or, absent such supervisor, to any available supervisor.

6. Switching or adulterating any urine sample submitted for testing.
7. Refusing to report for testing immediately upon notification to do so by any supervisor or refusing to consent to testing or to submit a urine sample when requested by a supervisor or management.
8. Refusing to submit to an inspection when requested by any supervisor or management personnel.
9. Failure by an employee to notify the HR Department or Designee, or the City Manager of such employee's arrest or conviction of such, or with respect to, the illegal use, possession, control, sale or manufacture of any controlled substance, drug, or alcohol, within five (5) days after the arrest or conviction.
10. Failure to report to the supervisor the use of any drug, prescription, non-prescription medication, or alcohol, by any employee, which may affect the job performance or safety, e.g., alter the behavior or diminish or impair any employees' physical or mental capabilities.
11. Refusing to sign a statement agreeing to abide by the City's drug abuse policy.
12. Refusal to complete a medical questionnaire and consent form prior to testing.
13. Refusal to complete the toxicology chain of custody form after submission of a urine specimen.
14. The City reserves the right to test all employees for drug use and/or relieve any employee from such employee's job duties, when, in the opinion of the City, the use of drugs, legal or illegal, or alcohol, may be affecting the performance of the employee's job duties.
15. Abuse or misuse of prescription or over the counter (OTC) medication.
16. Consumption of alcohol:
 - a. That has an alcohol concentration of 0.04 or greater while on duty (includes hours worked and breaks)
 - b. Four (4) hours prior to reporting to work
 - c. Eight (8) hours following an accident (or until tested)
 - d. During on-call status
 - e. While wearing City apparel or uniforms
17. Operating a City vehicle or equipment or conducting City business while impaired by drugs or under the influence of alcohol.
18. The use or possession of alcohol or illegal drugs in a City vehicle (whether on or off duty).

C. Collections & Testing Circumstances

The City may utilize a collection facility to conduct drug and alcohol testing. Drug collection is conducted by analyzing a urine specimen and alcohol testing will be conducted by breath analysis.

Circumstances (why) which facilitates drug and alcohol testing includes:

- Pre-Employment
- Random (Safety Sensitive Positions and DOT)
- Post Incident
- Reasonable Suspicion

The following drugs will be tested for:

- Cannabinoid (THC)
- Opiate (OPI2000)
- Phencyclidine (PCP)
- Cocaine (COC)
- Amphetamine (AMP)
- Barbiturate (BAR)

- Benzodiazepine (BZO)
- Methadone (MTP)
- Methaqualone (MET)
- Propoxyphene (PPX)

D. Pre-Employment Testing

The City reserves the right to test applicants for employment, after the job offer has been made but before the position is taken, or as an applicant who drives commercial vehicles and covered by the U.S. Department of Transportation Regulations.

Any applicant who refuses the pre-employment test or yields a “positive” result will not be considered for employment. If a pre-employment test is canceled by a Medical Review Officer (MRO) for any reason, the applicant will be required to take another one with a verified negative result within twenty-four (24) hours. Applicants, who were tested more than 90 days prior but were not hired, must have new pre-employment test performed with a verified negative result.

Pre-employment tests are also required when an employee is promoted, demoted, or transferred into a safety sensitive position.

E. Random Testing

If an employee is performing a City safety-sensitive function or operating a motor vehicle that is regulated by the U.S. Department of Transportation (DOT) 49 CFR Part 40, (possess a valid commercial driver’s license), such employee may be subject to random testing. The selection of employees for random controlled substance and alcohol testing will be made by a scientifically valid method by the third-party collection site. Under the selection process, the employee will have an equal chance of being tested each time selections are made. If an employee is selected for testing, such employee will proceed to the collection site immediately. If the employee is off work at the time selections are made, the City has the option of selecting another employee for testing.

Dates and times for random testing are unannounced and are spread reasonably throughout the calendar year. The City will notify Supervisors when an employee in their department has been randomly selected. Upon notification, the supervisor will ensure such employee proceeds to the collection site as soon as possible. If the employee is not available for testing, i.e., on a planned vacation, at a training seminar or on emergency leave, said employee’s name will be returned to the selection pool so that such employee remains subject to random testing in the future.

Any refusal to submit to the random test when notified, or failure to report to the collection facility within one (1) hour, will be considered a test refusal. The employee will be immediately removed from any safety sensitive position and may receive corrective action and/or termination.

Refer to the DOT Drug and Alcohol Policy that follows for further details concerning DOT operators.

F. Reasonable Suspicion

Whenever a trained supervisor reasonably suspects that an employee’s work performance or on the job behavior is affected in any way by drugs or alcohol, the employee, is subject to reasonable suspicion testing. The supervisor will transport the employee to a collection site for testing. A written record of the

observations will be made by the supervisor who made the observation. The employee will not be permitted to perform City defined safety-sensitive functions until 24 hours have elapsed.

Reasonable suspicion must be based on specific observations concerning the appearance, behavior, speech, and/or body odors. Refer to the Definitions within the section for further information.

- While waiting for the results of a reasonable suspicion test, an employee may be placed on paid administrative leave pending the outcome of the tests and any investigation. The employee will not return to the workplace until such employee has been authorized to do so by the City.
- If an employee refuses to submit to a reasonable suspicion test, said employee will be considered insubordinate (refer to the Test Results section for more information). If an employee requests the option to resign prior to taking a reasonable suspicion alcohol/drug test, the employee may be allowed to do so. However, the employee will not be considered for re-employment.
- The sale, use, purchase, transfer, or possession of an illegal drug is a violation of the law. The City can report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials.

G. Post-Accident Testing

If an employee is involved in a motor vehicle, equipment, or injury incident while in the course and scope of employment, the employee is subject to post accident drug/alcohol testing. An employee must remain readily available for testing after an accident. If an employee refuses to submit to a post-accident alcohol/drug test, said employee will be considered insubordinate.

Post-accident testing may be delayed while an employee assists in resolution of the accident or receives medical attention following the accident.

Voluntary Reporting: If an employee has reported an alcohol or drug problem voluntarily, prior to notification of requiring testing or prior to pending disciplinary action for conduct related to alcohol or drugs, such employee may be allowed to take accrued leave to seek and obtain substance abuse or alcoholism treatments provided by a health care provider under Family Medical Leave Act. Resources are available through the City's Employee Assistance Program (EAP). Employees may not provide a "voluntary disclosure" upon being notified that the employee must submit to a drug or alcohol test. If an employee is returning to duty in safety sensitive position following voluntary drug or alcohol treatment, said employee may be subject to periodic drug or alcohol testing for a period of at least twelve months or as determined by the City, subject to applicable law. A positive test result will result in immediate termination. Confidentiality test results may be released only to the employee, the City, EAP, laboratory officials and Medical Review Officer. They cannot be released to others without the written consent by the employee. All test results will be kept in a secure location with limited access.

H. Testing Time Limits

For post- accident and reasonable suspicion, testing will be limited to the following timeframes:

- **Alcohol Testing Time Limits** – Testing for alcohol must be administered as soon as practicable within 2 hours of event but no later than eight (8) hours after the event; otherwise attempts to administer the test will cease and the reasons why the test was not administered will be documented.
- **Drug Testing Time Limits** – Testing for drugs must be administered up to 32 hours from time of event; otherwise attempts to administer the test will cease and the reasons why the test was not

administered will be documented.

Under both situations any undocumented/unsubstantiated reasons for “not testing immediately” will be considered a refusal to test. The employee will not be allowed to drive a City vehicle until the test results have been confirmed to be negative.

I. Test Results

The collection site will administer the alcohol and drug testing. The drug specimen will be received and processed by the certified testing laboratory. A positive drug test will be reviewed by the MRO who will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the positive test result. If the employee provides appropriate documentation and the MRO determines there is a legitimate medical use of the substance, the test result will be reported to the City as negative.

Upon validation of the test results, typically, the collection site may notify the City.

Test results will be classified as Negative, Positive, or Test Refusal:

- Negative – Verified negative results are acceptable for drug testing. For alcohol, a verified test result below 0.02 is acceptable. The presence of alcohol between 0.02 and 0.399, an employee will be sent home unpaid. The next day when the lab opens, the employee will report to the collection lab for another alcohol test.
- Positive – All final determination of tests producing positive results will result in corrective action and/or up to termination. The following test results will constitute positive results:
 - Verified positive result for drugs
 - Verified BAC (Breath Alcohol Concentration) equal to or greater than 0.04
- Test Refusal – a refusal to submit to appropriate testing will be considered insubordination. Test refusals are considered as positive test results and may result in termination of employment. Employee will be deemed to have refused to take an alcohol/drug test if:
 - Employee fails to appear for a test within the time stated in the policy
 - Employee fails to remain at the testing site until the testing process is complete
 - Employee fails to provide a breath or urine specimen as required
 - Employee fails to provide a sufficient amount of volume with no valid medical explanation
 - Employee fails or decline to take an additional drug/alcohol test as directed by the City or collector
 - Employee fails to undergo a medical exam or evaluation when required
 - Employee fails to cooperate with any part of the testing process *i.e., refusals to empty pockets, wash hands, remove hat, etc.)
 - The MRO reports the presence of a verified adulterated or substituted test result
 - Employee refuses to sign the Alcohol Test Form
 - Employee leaves the scene of an accident without just cause prior to submitting to a test.
 - Cancellation - A cancellation may be caused by errors in the specimen collection process such as failure in the chain of custody.

J. Consequences

Section B provides examples of prohibited activities. If an employee commits these types of acts, such employee shall be subject to corrective action up to and including termination.

In cases where conduct does not result in immediate termination of employment, the City will review the employee's position, tenure, prior work performance, rehabilitation efforts and evaluation by a Substance Abuse Professional (SAP). Those factors will be taken into consideration as a "last chance" agreement in determining the appropriate level of discipline.

K. Employee Assistance Program (EAP)

Upon a confirmed determination that an employee has been under the influence of drugs or alcohol in violation of the City's policy, the City reserves the right to refer the employee to one or more qualified drug and alcohol abuse programs (i.e., EAP) for assessment, counseling, and rehabilitation. For participation in any such abuse program, the employee is responsible for the cost of treatment, counseling, or rehabilitation from EAP referral or if applicable, the employee's health insurance. The employee's corrective action is not forgiven by participation in an abuse program. The employee's progress shall be evaluated by a Substance Abuse Professional (SAP) to determine if the employee has properly followed the rehabilitation program. The employee shall be subject to unannounced follow-up alcohol and/or drug tests administered by the City following employee's return-to-duty. The number and frequency of the test shall be directed by the SAP and consist of at least six (6) tests in the first twelve (12) months following return-to-duty. Follow-up testing will be up to sixty (60) months and can be eliminated after one year if the SAP determines that such testing is no longer necessary. EAP related activities, such as referral appointments, will be treated on the same basis as other health matters with regards to use of paid leave.

L. Prescription and over the Counter (OTC) Medications

Some prescriptions and OTC medications may adversely affect an employee's ability to perform the employee's job safely. The employee is responsible for discussing job duties with that employee's physician. The physician is responsible for evaluating the employee's ability to safely perform the job duties. If the doctor deems the employee medically disqualified from performing the employee's job duties while taking medication, the employee will immediately notify the supervisor. The employee is required to notify the employee's supervisor when taking any prescription or non-prescription medication that may interfere with the safe performance of job duties. The supervisor will require the employee to take paid leave, or the employee will need to cease taking the medication while on duty. Failure to comply may result in corrective action up to and including termination.

An employee should read all warning labels for OTC medications and should seek alternatives to those that indicate they affect mental functioning, motor skills, or judgment. Employees are encouraged to seek assistance from their physician or pharmacist in identifying alternative medications or treatments. An employee should never misuse OTC medicines by taking them longer or in higher doses than the label recommends.

Some medicines may interact with food and beverages, as well as with health conditions such as diabetes, kidney disease, and high blood pressure. An employee must read the warning labels to find out what foods or situations to avoid when taking the medication. If an employee is taking more than one (1) OTC medication, the employee should compare the active ingredients and should not take two (2) medicines with the same active ingredients unless instructed by the employee's physician or other healthcare professional.

M. Confidentiality

All information relating to alcohol or drug testing will be protected by the City as confidential unless disclosure is otherwise required by law or authorized in writing by the employee. All results will be maintained in a confidential file.

N. Record Retention

Drug/Alcohol testing results will be maintained under this City's record retention or federal law, whichever is the longest.

O. Definitions (as used in this policy)

City of Dalhart premises or facilities means all property of the, including but not limited to offices, buildings and surrounding areas on City-owned or leased property, parking lots, and storage areas. The term also includes City-owned or leased vehicles and equipment wherever located. It also includes any premise where the City performs contract services.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol use means the consumption of any beverage, mixture, or preparation, including medication containing alcohol.

Breath Alcohol Technician (BAT) is a technician who instructs and assists individuals in the alcohol testing process and operates an EBT.

Collection site means a place where individuals present themselves for the purpose of providing body fluid or breath samples to be analyzed for specific controlled substances or alcohol. A collection site will have all the required personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and will arrange for testing lab transportation or pick-up of the drug specimens.

Drug testing means the scientific analysis of urine, blood, breath, saliva, hair, tissue or other specimens of the human body for the purpose of detecting a drug or alcohol.

Evidential breath testing device (EBT) means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath for prohibited concentrations of alcohol in the employee's system.

Illegal drug means any drug in any detectable amount which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy.

Medical Review Officer (MRO) means a licensed Doctor of Medicine or osteopathy responsible for receiving laboratory results generated by an employer's drug testing program that has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information. Often, an MRO is in the same location as the certified testing lab.

Medically unqualified to work means the condition of a person by reason of an impairment or a potentially impairing medical condition such as, but not limited to, the use of illegal drugs and/or alcohol.

Performing a safety-sensitive function means an employee, who during their course and scope of work, are performing a safety-sensitive function, ready to perform, just completed performing, or is required to

be in readiness to work (i.e., during on-call status) until the time the employee is relieved from all responsibility for performing the safety-sensitive function.

Possession is also meant to include the presence in the body system of any detectable amount of drug, or in the case of alcohol, a test result of 0.04 or greater for those NOT governed by DOT.

Reasonable Suspicion means a belief that the actions, appearance or conduct of a person are indicative of the use of a controlled substance or alcohol. Such a belief is based on objective, articulated facts. A reasonable cause or “for cause” situation is any situation in which the employee’s job performance is in conflict with established job standards relating to safety and efficiency. The term includes accidents, near accidents, erratic conduct suggestive of drug or alcohol use, any unsafe performance behaviors, and unexplained deviation from productivity. Physical symptoms may include such as glassy or bloodshot eyes, slurred speech, unsteady gait, poor coordination or reflexes, odor of alcohol, marijuana, or other illegal substances or direct observation of alcohol/drug use or possession.

Refuse to submit to an alcohol or controlled substances test means that the employee:

1. fails to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with DOT regulations,
2. fails to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notification of the testing requirements, and/or engage in conduct that clearly obstructs the testing process.

Substance Abuse Professional (SAP) means a licensed physician (MD or DO), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (NAADACCC certified) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

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

DOT Drug and Alcohol Policy

A. Overview

The purpose of this policy is for an employee to follow established programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial motor vehicles. This section applies to those who operate a commercial motor vehicle and are subject to drug and alcohol testing as defined by the US Department of Transportation (DOT) 49 CFR Part 40. Under the Federal Motor Carrier Safety Administration (FMCSA) 49 CFR Part 382, the employee must hold a Commercial Driver License (CDL) when the employee operates a Commercial Motor Vehicle.

A commercial motor vehicle is defined as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and use in the transportation of materials found to be hazardous for the purposes of the

Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.

More general definitions are provided in the policy. ***This policy is in addition to, not in lieu of the provisions of the City's General Drug and Alcohol Policy unless stated otherwise.***

DOT tests will be separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test. Testing procedures that ensure accuracy, reliability, and confidentiality of results will be followed pursuant to DOT regulations.

The employee's drug & alcohol testing history will follow such employee to each employer if that employer is regulated by a DOT agency. Employers are required by law to provide records of an employee's drug & alcohol testing history to a new employer. This is to ensure that an employee has completed the return-to-duty process and is being tested according to the employee's follow-up testing plan.

B. Participation as a Requirement of Employment

An employee, as a CDL holder and driver, must participate in the City's controlled substances and alcohol testing program and is a requirement, therefore, is a condition of employment or use.

C. Required Hours of Compliance

An employee must not consume alcohol:

- while on duty,
- four hours prior to on duty time and,
- up to eight hours following an accident or until such employee undergo a post-accident test, whichever occurs first.

The employee shall not report for duty or remain on duty that requires the function of driving when using a controlled substance, except when the use is at the instruction of a physician who has advised such employee that the substance does not adversely affect such employee's ability to safely operate a CMV. This should be in writing.

D. Conduct Prohibited by the Regulations

The following acts are **prohibited** and if an employee commits these acts such employee shall be subject to corrective action up to and including termination.

1. Use cannabis/THC containing compounds. The use of those products is prohibited.
2. Use or possess alcohol or any illicit drug while assigned to or performing driving functions.
3. Report for service, or remain on duty if the employee:
 - a. Are under the influence or impaired by alcohol,
 - b. Have a blood alcohol concentration of 0.04 or greater,
 - c. Have used any illicit drug,
 - d. The employee has used alcohol within 4 hours of reporting for service or after receiving notice to report,
4. Use alcohol for 8 hours following an accident or until undergoes post-accident testing,
5. Report for duty or remain on duty when using any controlled substance unless used pursuant to the written instructions of an authorized medical practitioner **AND** includes a written

statement that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle,

6. Refuse to submit to any test for alcohol or controlled substances,
7. Refusal to submit to any test by adulterating or substituting such employee's specimen.

E. Circumstances for Testing

As required by federal law, the City will conduct alcohol and drug testing in accordance with the U.S. Department of Transportation regulations and the provisions of this policy. The employee is subject to testing in the following situations:

- Pre-employment
- Post-Accident
- Random
- Reasonable Suspicion
- Return to Duty
- Follow-up Testing

F. Behavior that constitutes a refusal to submit to a test

An employee, as a driver, shall not refuse to submit to a required alcohol or controlled substance test administered in accordance with Part 382. A refusal on a driver's part to submit to testing shall be treated as a positive test and result in the driver being removed from safety sensitive function by the employer. "Refusal to submit" means that a driver:

1. Failed to appear for any test,
2. Failed to remain at testing site until the testing process was complete.
3. Failed to provide a urine specimen, saliva or adequate breath for any drug test required by DOT agency regulations.
4. Failed to permit a direct or monitored collection observation of specimen provision when directed to do so.
5. Failed to provide a sufficient amount of urine or adequate breath when directed and it has been determined, through a required medical evaluation there is no adequate medical explanation for the failure.
6. Declined to take a second test the employer or collector has directed the employee to take.
7. Failed to undergo a medical examination or evaluation when directed to do so by a Medical Review Officer (MRO) as part of the verification process or as part of the "shy bladder" procedures. The medical evaluation is to determine whether the employee's inability to provide a specimen is genuine or constitutes a refusal to submit to a controlled substances test.
8. Leaving the scene of an accident without a valid reason before the tests have been conducted.
9. Failed to cooperate with any part of the testing process.
10. Refusing to empty pockets when directed.
11. Behaving in a manner which disrupts the collection process.
12. Medical Review Officer (MRO) reports the employee's test as a verified adulterated or substituted test result, as if the employee has refused to take a drug test.

Requirement. If an employee refuses to take a drug or alcohol test, such employee will incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. An

employee is subject to the requirements of CFR Part 40, Subpart O, which requires a Substance Abuse Professional (SAP) to perform an evaluation and treatment. Such employee cannot operate a commercial motor vehicle until the SAP process is completed (evaluation, referral, and education/treatment) per the SAP recommendations.

G. Referral, Evaluation and Treatment

If an employee has engaged in conduct prohibited by Subpart B of Part 382 and in violation of Part 40 shall be advised of the resources available in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances, such employee may be terminated. The employee will be referred to an SAP. The employee will not be able to drive for any employer until that employee has completed the SAP evaluation, referral, and education/treatment process. If the employee is offered an opportunity to return to the DOT driving duty following such violation, the employee must, before being able to drive the CMV for the City, be required to be evaluated by the SAP and successfully comply with the evaluation recommendations, at the employee's cost. The City will receive follow-up evaluations from the SAP. An employee can expect multiple follow-up tests. An applicant will not be hired but the City will refer such applicant to an SAP with contact information.

H. Testing Procedures Under Guidelines of Part 40

Controlled substances testing will be performed using a urine specimen with split specimen collection conducted. Alcohol screen testing may be conducted using saliva swabs or breathe for detection of alcohol. All confirmed alcohol testing shall involve the collection of breath and testing by evidential breath testing device (EBT). The EBT will provide immediate results with the driver and the employer receiving a copy of the breath test results. Analysis of urine specimen(s) is conducted in accordance with Part 40 standards to ensure validity, accuracy and confidentially for the driver. Only Department of Health and Human Services (DHHS) approved laboratories shall be used to test the urine specimen. All collections of urine specimen and breath samples are conducted by individuals trained according to DOT rules in 49 CFR, Part 40 regulations.

I. Circumstances Under Which a Driver will be Tested for Alcohol and/or Controlled Substances:

1. Pre-employment testing

Prior to driving a CMV, the driver shall undergo a pre-employment alcohol and controlled substances test and a negative result shall be received by the employer before the driver performs any safety sensitive functions.

All job postings for positions that require or could require operation of a commercial vehicle will indicate that pre-employment testing is required and that the applicant who is hired will be subject to ongoing alcohol and drug testing. This information also will be provided to applicants during the initial job interview. Applicants for such positions will be advised that any job offer is contingent upon a verified negative controlled substances test result from the MRO.

Pre-employment tests are also required when an employee is promoted, demoted, or transferred into a DOT regulated position. The employee will be advised that any job offer is contingent upon a verified negative controlled substances test result from the MRO.

2. Post-accident testing

If an employee has an accident while operating a CMV on a public road that results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident and a citation issued to the CMV driver or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle and a citation issued to the CMV driver

3. Random testing

An employee, as a driver, shall submit to random alcohol and controlled substances testing when selected through an annual cycle. A sufficient number of drivers shall be randomly selected by a scientifically valid method during a calendar year for alcohol and controlled substances testing to meet the minimum federal requirements for testing. Each time the selection process is conducted an employee shall have an equal chance of being selected for testing. **Alcohol random tests** will only be conducted while the driver is on duty, just before going on duty or just having been on duty. **Drug random testing** will be performed at any time an employee is at work.

4. Reasonable suspicion testing

An employee, as a driver, shall submit to alcohol and controlled substances testing when a trained supervisor has reasonable suspicion to believe that an employee has used a controlled substance or have misused alcohol. The supervisor's request for testing must be based on specific observations concerning the appearance, behavior, speech, or body odors from an employee.

5. Return to duty

Before an employee is allowed to return to driving the CMV following prohibited conduct such employee must first be evaluated by an SAP, participate in any treatment program prescribed, and pass a controlled substances and/or alcohol return-to-duty. This is to ensure the employee has received proper care, if needed. An employee must have a verified negative controlled substances test result or an alcohol test of less than 0.02 to return to driving the CMV.

6. Follow up testing

Once an employee is allowed to return to duty from being released from the SAP, the employee will be subject to unannounced follow-up testing for at least 12, but not more than 60, months. The frequency and duration of the follow-up testing will be recommended by the SAP but will have a minimum of six tests performed during the first 12 months after the employee has returned to duty. Follow-up testing is separate from and in addition to the random testing pool; the employee may be selected for both.

J. Alcohol Testing

Initial screening test

Method used to detect the presence of alcohol. If the result is less than 0.02 no further testing is required, and the test will be considered a negative test.

Confirmation test

When a screen test detects the presence of alcohol between 0.02 and 0.399 a confirmation test is

required. If the confirmation test confirms alcohol concentration between 0.02 and 0.399, an employee as a driver cannot drive a commercial motor vehicle for 24 hours per federal regulations. A confirmed alcohol concentration test of 0.04 or greater is a positive test and the driver shall be removed from driving.

K. Controlled Substance Testing

At least 45 ml of urine specimen is collected from the driver. The urine specimen is split into two containers (Specimen A and Specimen B) which are individually sealed in the presence of the driver. The urine specimen shall only be tested for marijuana, cocaine, opiates, amphetamines, and phencyclidine per Part 40 guidelines.

The urine specimens (both containers) are sent to a certified laboratory where Specimen A is tested for the presence of controlled substances. If the presence of a controlled substance is detected, a confirmation test is conducted to confirm the detected controlled substance and its quantitative level(s).

If the amount of confirmed controlled substance is at the quantitative cutoff levels, the specimen is deemed a positive test. An employee has the right to challenge their positive test and Specimen B is used for testing and will only be tested for the presence of the controlled substance(s) deemed positive in Specimen A.

L. Release of Information from Previous Employer

Previous Employer Information – The City is required, with the applicant’s written consent, to obtain the applicant’s DOT drug and alcohol testing history from other employers. The applicant must list all previous and current employers within the last two years. The applicant’s consent must be a specific release authorizing the new employer to receive testing information. For example, if the applicant worked for several employers, each release must be written individually for each employer for a specific time. It cannot be a “blanket” release. If the applicant doesn’t do so, or refuses to sign the consent form, the City cannot allow the applicant to be employed. The City will ask the previous employer for alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results) and any other violation of DOT drug and alcohol testing regulations. The City will obtain and review the information prior to hiring. The City will also ask the applicant if they tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer to which the employee applied during the past two (2) years. If the person admits to such a conduct, the applicant will not be hired. If a person refuses to provide the City with the required written consent, they will not be hired.

If the previous employer’s response is not obtained within 30 days, the employee will not be allowed to perform DOT functions unless there is documentation of good faith efforts. Evidence of successful completion of a rehabilitation program must be provided from an applicant who previously violated a DOT drug and alcohol regulation. The City will maintain a written confidential record of the information it obtains.

M. Confidentiality of Results

All drug test results, and medical information furnished during the testing process will be treated as confidential medical information and will be released only as required by federal regulations. An employee may have the right to request a copy of such employee’s testing records. 49 CFR § 382.405 - Access to facilities and records.

N. Definitions

The definitions listed below relate to DOT specifically.

DOT means an agency of the United States Department of Transportation administering regulations requiring alcohol and drug testing. See 49 CFR Part 40.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regular employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent, owner-operated contractors who are either directly employed by or under lease to an employer who operates a commercial motor vehicle at the direction of or with the consent of an employer.

13.11 Smoking, Vaping and Smokeless Tobacco Products

In keeping with the City's intent to provide a safe and healthful work environment, smoking, vaping, or the use of smokeless tobacco in the workplace is prohibited except in designated locations. City employees may not use any kind of tobacco product or vape in any City-owned building, facility, or vehicle/equipment.

13.12 Personal Appearance

The City of Dalhart dress code policy is designed to help us all provide a consistent professional appearance to the members of our community and colleagues. Our appearance reflects ourselves and the company. The goal is to be sure that we maintain a positive appearance not to offend, citizens, clients, or colleagues. Dress, grooming, and personal cleanliness standards helps the morale of all employees and affects the image we present to citizens and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees are expected to be well-groomed and wear clean clothing, free from holes, tears, or other signs of wear. Clothing must not be too revealing. Clothing and grooming styles dictated by religion or ethnicity are exempt. Employees who appear to work inappropriately dressed will be sent home and directed to return to work in proper clothing. Under such circumstances, employees will not be compensated for the time away from work. For administrative staff the dress code is business professional. Jeans without rips or tears are permitted. Employees shall not wear sweats, sweatshirts, tank tops, flip flops or articles of clothing that display offensive images/quotes.

Employees should consult their supervisor or department head if they have questions as to what constitutes appropriate dress.

Visible body piercings or jewelry other than earrings may not be worn on any part of the body during scheduled work hours that would not be normally covered with standard work clothes.

14. Terminations**14.01 Layoff**

- a. The City Manager may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.
- b. Temporary and part-time employees or employees who have not completed their trial period will be laid off before regular employees are affected.
- c. In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
- d. Where possible, an employee laid off from his/her position may be transferred to a suitable position elsewhere in the organization.
- e. Employees who are laid off may be eligible for re-employment, if a vacancy occurs in a position for which the laid off employee is qualified.

14.02 Resignation

Employment termination initiated by an employee who chooses to leave the organization voluntarily. An employee should provide a minimum of two (2) week written notice of the resignation, department heads should provide four (4) weeks written notice. Failure to comply with this requirement will result in a poor job recommendation and may be cause for denying future employment with the City. The minimum notice may be waived if in the best interest of the City.

14.03 Retirement

Voluntary retirement from active employment status is initiated by the employee. Employees intending to retire should notify their department head of their intent to retire at least three months prior to the date of retirement.

Regular full-time employees shall retire according to the adopted laws and provisions of the Texas Municipal Retirement System.

14.04 Death

Upon death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.

15. End of Employment**15.01 Unemployment Compensation**

City employees may qualify for State Unemployment Compensation after termination from City employment, depending on the reason for termination and if certain qualifications are met.

15.02 Insurance

- a. Upon an employee's termination from City Employment and at the employee's option and expense, the employee may elect to continue City health insurance benefits to the

extent provided under COBRA. Continuation rights are not available if an employee is terminated for “gross misconduct”.

- b. An administrative handling fee over and above the cost of the insurance premium may be charged to employee or their dependents that elect to exercise their COBRA continuation rights.

15.03 Return of City Equipment and Property

Employees must return all property owned, leased, or rented by the City of Dalhart that is in their possession or under their control, in the event of termination of employment, resignation, layoff, or immediately upon request.

This includes, but is not limited to uniforms, keys, vehicles, tools, credit cards, cash funds, and/or protective equipment.

Where permitted by applicable law, the City of Dalhart may withhold from the employee’s check, or final paycheck, the cost of any items that are not returned when required. For any property not returned or returned in a damaged or unsatisfactory condition, an amount attributed to the item to be withheld is set by the City Manager. This may include additional cost, such as the replacement of locks for keys not returned, etc., and the City may also take all action deemed appropriate to recover or protect its property, including legal actions.

15.04 Exit Interview

The City of Dalhart will generally schedule exit interviews with the Human Resources Department or Designee for terminating employees. The exit interview will provide an opportunity to discuss issues such as employee benefits, compensation and return of City-owned property. Suggestions, complaints, and questions can also be discussed.

15.05 Rehire Eligibility

- a. After resignation: A person who resigned in good standing may be rehired to a similar or different position, provided the person is qualified to perform the duties of the position available. A new application must be completed.
- b. After layoff: A person, who was laid off, including a temporary employee separated upon completion of duties, may be recalled to work at any time provided the person remains qualified to perform the duties of the position.
- c. After separation for incapacity: A person who was incapacitated may be rehired, provided a suitable position is available and the reason for incapacity has been removed to the satisfaction of the City and the person remains otherwise qualified to perform the duties of the position rehired for.
- d. Veterans: Employees who left the City service to enter active duty with the Armed Forces of the United States shall be eligible for reinstatement in accordance with applicable state and federal laws within 90 calendar days of the date of an honorable discharge or the date of release from hospitalization following a discharge. If the position formerly occupied by such an employee no longer exists, he/she shall be eligible for reemployment in another suitable position as long as it does not require the

- laying off of another employee.
- e. Because any benefits accrued during the previous employment have been paid or cancelled at termination, the re-hired employee starts benefit accrual at the same rate as newly hired employees.
- f. All provision of Sections 4 and 5 shall apply.

15.06 Compensation at End of Employment

When employment with the City is terminated, the employee will receive the following compensation at the next regular pay day:

- a. Regular wages for all hours worked up to the termination, which have not already been paid.
- b. Any overtime accrued vacation or compensatory time due.
- c. After completing one year of service, if employees decide to leave. Employees are eligible to be paid for up to 2 weeks of unused sick leave if it is available.

16. Internet, E-Mail, Network & Computer Use Policy

The use of City of Dalhart electronic systems, including computers, fax machines, and all forms of Internet/intranet access, is for authorized City business and purposes only.

Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense or harm to the City or otherwise violates this policy.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the City's business; distract, intimidate, or harass coworkers or third parties; disrupt the workplace; or for any illegal purpose.

Use of City computers, networks, and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct carried out on such systems.

16.01 Computer and Internet use

Many employees are provided with access to computers and the Internet to assist them in performing their job duties. The Internet is a valuable source of information and an excellent research tool. As technology advances, the use of computers and reporting by Internet becomes more prevalent and is required by many governmental agencies. In addition, it can provide a means of communicating with outside vendors, other businesses, or professional groups.

Through the use of the Internet, the computer system becomes vulnerable to viruses, spam-, spy- and malware, which pose a potential threat to the operations and data bases of the City. It is important for every employee to understand the crucial role computers play in the daily operation of the City, and the following rules apply to all employees:

- a. Computer and Internet usage should only be used for City business purposes.
- b. Infrequent use of computers for personal purposes is permitted only with prior approval by the supervisor and only on rare occasions, for example when the employee's personal computer at home is out of service.
- c. Access of general information, such as the weather while a storm is approaching, or general news information is permitted, as well as employment related research on deferred compensation, retirement, or health insurance.
- d. Not allowed are activities that waste computer resources, unproductive time at work, or that pose a threat to the computer system, including but not limited to non-work related:
 1. Replying to or using personal emails or accessing external email providers
 2. Opening attachments of an unknown source
 3. Sending chain or mass mailings
 4. Playing games
 5. Engaging in online chat groups
 6. Printing personal copies or pages
 7. Accessing social networking sites
 8. Purchasing personal items via Internet
 9. Personal online banking and/or bill-pay
 10. Solicitation of non-City business or any use to solicit business for personal gain.
- e. Internet and network resources will not be used to engage in any form of harassment, discrimination, or defamation. No messages with derogatory or inflammatory remarks about an individual's race, color, age, disability, religion, national origin, sex, physical attributes, or sexual orientation may be transmitted or forwarded using the City's computers or systems.
- f. No employee may use the City's computer equipment in any illegal or immoral activity. No abusive, profane, or offensive language may be transmitted through the City's computers or electronic communications systems.
- g. Sending, receiving, or accessing pornographic materials.
- h. Becoming involved in partisan politics.
- i. Causing congestion, disruption, disablement, alteration, or impairment of City networks or systems.
- j. Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended.
- k. Using recreational games; and/or defeating or attempting to defeat security restrictions on City systems and applications.
- l. Employees should not have any expectation of privacy in anything they create, store, send or receive.
- m. Any unsolicited emails of questionable content are to be deleted immediately.
- n. The City has the right to monitor any and all aspects of its computer systems, including but not limited to, monitoring sites visited by employees on the internet and stored files.
- o. Any files, programs or software created by an employee are property of the City of Dalhart.
- p. All files downloaded from the Internet must be scanned with virus detection software before installing or executing. All appropriate precautions must be taken to detect a virus and prevent its spread. Every employee must ensure that the computer assigned to them has the proper up-

to-date security protection and may not disable protection software.

- q. All copyright, software licensing rules and property rights are to be observed and adhered to.
- r. Any employee that acts or allows action in violation of this policy will be denied computer and/or Internet access. Violation of this policy is taken seriously and may result in disciplinary action, up to and including termination, as well as possible civil or criminal action

16.02 Important exception

Consistent with federal law, you may use the City's electronic systems in order to discuss with other employees the terms and conditions of your and your coworkers' employment. However, any such discussions should take place during non-duty times and should not interfere with your or your coworkers' assigned duties.

Using City electronic systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material, defined as any visual, textual, or auditory entity, file, or data, is strictly prohibited. Such material violates the City antiharassment policies and shall subject the responsible employee to disciplinary action. The City's electronic mail system, Internet access, and computer systems must not be used to harm others or to violate the laws and regulations of the United States or any other nation or any state, City, province, or other local jurisdiction in any way.

Use of City resources for illegal activity shall lead to disciplinary action, up to and including dismissal and criminal prosecution. The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/or computer use.

If an employee receives unsolicited voice mail or e-mail messages that appear to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if an employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his or her supervisor immediately. If an employee receives or has access to a message that is not addressed to him or her, the employee is not authorized to read or use information contained in that message.

Unless specifically granted in this policy, any non-business use of the City's electronic systems is expressly forbidden.

If you violate these policies, you could be subject to disciplinary action, up to and including dismissal.

16.03 Ownership and Access of Electronic Mail, Internet Access, and Computer Files

No Expectation of Privacy

The City owns the rights to all data and files in any computer, network, or other information system used in the City and to all data and files sent or received using any City system or using the City's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The City also reserves the right to monitor electronic mail

messages (including personal/private/instant messaging systems) and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using City equipment or City-provided Internet access, including web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by City officials at all times. The City has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with City policies and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate City official.

The City uses software in its electronic information systems that allows monitoring by authorized personnel and that creates and stores copies of any messages, files, or other information that is entered into, received by, sent, or viewed on such systems. There is no expectation of privacy in any information or activity conducted, sent, performed, or viewed on or with City equipment or Internet access. Accordingly, employees should assume that whatever they do, type, enter, send, receive, and view on City electronic information systems is electronically stored and subject to inspection, monitoring, evaluation, and City use at any time. Further, employees who use City systems and Internet access to send or receive files or other data that would otherwise be subject to any kind of confidentiality or disclosure privilege thereby waive whatever right *they* may have to assert such confidentiality or privilege from disclosure. Employees who wish to maintain their right to confidentiality or a disclosure privilege must send or receive such information using some means other than City systems or the City-provided Internet access.

The City has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including dismissal.

16.04 Confidentiality of Electronic Mail

As noted above, electronic mail is always subject to monitoring, and the release of specific information is subject to applicable state and federal laws and City rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of City policy for any employee, including system administrators and supervisors, to access electronic mail and computer system files to satisfy curiosity about the affairs of others, unless such access is directly related to that employee's job duties.

Employees found to have engaged in such activities shall be subject to disciplinary action.

16.05 Electronic Mail Tampering

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

16.06 Use of Social Media

Social Media access on City equipment is denied for personal use. Select computers and access for aid of social media is restricted to authorized users for City business use only.

Presently, Police, Fire and City Hall, Pool and Lake Center are allowed use of City controlled social media accounts on specific computers directed by I.T. Department to be able to manage content. Others, as determined by the City Manager may be added and allowed such use.

16.07 Policy Statement for Internet/Intranet Browser(s)

The Internet is to be used to further the City's mission, to provide effective service of the highest quality to the City's customers and staff, and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet access are City resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications. Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of computer equipment and software.

Employees are individually liable for any and all damages incurred as a result of violating company security policy, copyright, and licensing agreements.

All City policies and procedures apply to employees' conduct on the Internet, especially, but not exclusively, relating to intellectual property, confidentiality, City information dissemination, standards of conduct, misuse of company resources, antiharassment, and information and data security.

16.08 Personal Electronic Equipment

The City prohibits the use in the workplace of any type of camera phone, cell phone camera, digital camera, video camera, or other form of recording device to record the image or other personal information of another person, if such use would constitute a violation of a civil or criminal statute that protects the person's right to be free from harassment or from invasion of the person's right to privacy. Employees may take pictures and make recordings during non-working time in a way that does not violate such civil or criminal statutes. The City reserves the right to report any illegal use of such devices to appropriate law enforcement authorities.

Due to the significant risk of harm to the City's electronic resources, or loss of data, from any unauthorized access that causes data loss or disruption, employees should not bring personal computers or data storage devices (such as CDs/DVDs, external hard drives, USB / flash drives, "smart" phones, iPods/iPads/iTouch or similar devices, laptops or other mobile computing devices, or other data storage media) to the workplace and connect them, via any means, to City electronic systems unless expressly permitted to do so by the City. To minimize the risk of unauthorized access to or copying of confidential company business records and proprietary information that is not available to the general public, any employee connecting a personal computing device, data storage device, or image-recording device to City networks or information systems in any manner thereby gives permission to the City, without further notice, to inspect the personal computer, data storage device, or image-recording device at any time with personnel and/or electronic resources of the City's choosing and to analyze any files, other data, or data storage devices or media that may be within or connectable to the data-storage device in question in order to ensure that confidential City business records and proprietary information have not been taken without authorization. Employees who do not wish such inspections to be done on their personal computers, data storage devices, or imaging devices should not connect them to Company computers or networks.

Violation of this policy, or failure to permit an inspection of any device under the circumstances covered by this policy, shall result in loss or "scrubbing" of the device and/or disciplinary action, up to and possibly including immediate termination of employment, depending upon the severity and repeat nature of the offense. In addition, the employee may face both civil and criminal liability from the City, from law enforcement officials, or from individuals whose rights are harmed by the violation.

16.09 CITY ISSUED CELLULAR PHONES

Where job needs demand immediate access to an employee, the City may issue a City-owned cellular telephone to an employee for work-related communications. These phones are intended to be used for business purposes and incidental personal calls should be as brief as possible. It is recognized that employees will use City issued cellular phones for personal use.

Abuse of City issued cellular phones can result in disciplinary actions, up to and including termination.

The City desires to provide its citizens with the highest level of governmental service. Employees are expected to maintain the same degree of etiquette, responsibility and professionalism in the use of their cellular phones as is expected of them in the course of their normal job functions. Employees assigned a City issued cellular phone will be required to answer any calls, emails, and/or text messages in a timely manner.

Eligibility and Acquisition. The assignment of a cellular phone is based on an employee's need and level of urgency for two-way communication with his/her office, other City departments, and is intended to increase productivity, increase service to the public, or for use in situations in

which necessary communication cannot be provided by any other means. The issuance of a City cellular phone must be fully justifiable prior to an employee receiving it. The type of authorized phone will depend upon the degree and methods of communications required for the employee's position. Cellular phones allowing internet, email, texting, video, and picture capability are limited.

A cellular phone may be issued to an employee who fits the following criteria:

1. City employees who are frequently in a vehicle and must conduct City business while in the field where it can be shown that cost savings and customer service efficiency will be realized with cellular communication.
2. City employees who are on call or part of a 24/7 shift operation and require a means of two-way communication after regular business hours.
3. City employees who have a critical need to maintain accessibility to other department employees or public officials in order to ensure uninterrupted customer service.
4. City employees who need to provide immediate and direct communications with citizens, outside agencies, or other resource entities outside City government.
5. City employees who are involved in emergency response activities.

The Information Technology Department will maintain an inventory of all cellular phones and usage by authorized users. This inventory will include account numbers, telephone numbers, and names of employees who have been assigned telephones. All cell phone purchases and repairs are handled through the I.T. Department.

It is the responsibility of the Department Director to verify that sufficient funds are budgeted for the monthly operational cost associated with cellular equipment in the department. Cell phone expenditures will be charged to each department, unless otherwise directed. The purchase of cellular phones is subject to approval by the Department Head. The Department Head shall assign each cellular phone to one specific individual, and ensure appropriate controls are in place for checkout, return, security, and maintenance of the equipment. The Department Head or his/her designee shall notify I.T. of any changes in assignments. An employee may obtain accessories for a City phone, other than what is provided, but the accessories shall be paid for by the employee.

Cell Phone Usage. The City recognizes there are occasions in which personal calls need to be made or received on a cellular phone. However, City cell phones are intended to be used for City business. Personal calls must be minimized. The City reserves the right to monitor the use of all City cell phones and has the authority to withhold any unreimbursed amount from an employee's wages.

16.10 Prohibited Uses

The following acts will prompt the removal of cell phone usage and/or disciplinary action, up to and including discharge from employment:

1. Any use which violates, local, state, or federal law or City policy or procedures.
2. Utilizing the cell phone while operating a vehicle. Employees are responsible for, and

will be held accountable for, safe-driving conditions at all times.

3.) Any call which could suitably be made from a standard City telephone or by a less costly communications device.

4. Out-of-country and out of network or roaming calls, except when necessary for business purposes and approved in advance by the employee's direct supervisor.

5. Any calls that are not included within the City's service plan.

6. Any call made in relation to an employee's business enterprise.

7. Sending or choosing to receive a communication that could reasonably be considered offensive, illegal, sexually explicit, threatening, or otherwise inappropriate for the workplace.

8. Any texting while driving.

9. Employees shall make no changes to City issued phones as it relates to passcodes and phone identification (i.e. Apple ID). Returned cell phones that have been altered that cause the phone to be inoperable upon separation of employment shall be the responsibility of the employee. The City reserves the right to withhold any unreimbursed amount from the employees' wages.

A conversation held on a cellular phone is not secure; therefore, employees must use discretion and practice reasonable caution in relaying confidential information.

16.11 Level of Service

Employees with City paid cell phones may have different levels of service depending upon their position. The City will offer limited and full service cell phone usage to its employees.

Maintenance. Each employee who is assigned a City cell phone is responsible for good care and maintenance of the assigned device. Reasonable precautions should be made to prevent theft of or damage to the cell phone and related equipment. City owned cell phones should not be taken into environments where the equipment is likely to be damaged or destroyed, unless the possession of the telephone within such an environment is necessary for the performance of an employee's official duties.

Phone equipment that is damaged in the course of business should be brought to the I.T Department, which will make arrangements for the replacement or repair. Lost or stolen equipment must be reported immediately to the employee's supervisor or Department Head, so

the service can be canceled. All costs incurred for replacement or repair will be the responsibility of the user's department, unless the Department Head and I.T determine that the employee abused the equipment or was negligent, in which case the cost will be the employee's responsibility.

Replacement. Any person who loses or causes a cellular phone to be disabled or non-repairable may request a replacement phone, if the event that caused the damage can be justified as work related.

If an employee requires a replacement phone due to employee negligence, the employee will be required to pay for the replacement phone. Multiple replacements may lead to disciplinary action.

17. Video Surveillance System Policies for the City of Dalhart

17.01 Purpose

The primary purpose of the City of Dalhart's ("City") video surveillance system is to enhance the protection and safety of employees and the general public; reduce, deter and investigate incidents of vandalism or criminal activity; and protect property and assets of the City and to allow the after-the-fact investigation of crimes committed against the City. The system may also be used by City law enforcement, I.T department and/or City department supervisors to assist in the investigation of certain types of asset damages, City facility damages, as well as occupational health and safety violations.

The City's video surveillance systems are primarily used to record access to building entrances/exits, common areas, interior security of facilities and asset protection. Video surveillance cameras are also used to provide surveillance of the exterior of the City facilities and surrounding streets/areas. It is the policy of the City to ensure privacy intrusion from surveillance is minimized. Video surveillance will never be used in areas where employees would have an expectation of privacy, such as restrooms or locker rooms.

The Secondary purpose of the video surveillance system is for selected staff with limited LIVE feed camera access to monitor safety and customer care. Selected computers for coliseum rentals review.

Example: City Hall counter and access doors to facility. Landfill Scale house, transfer station and landfill dump area to maintain security and ensure customer/employee safety while on landfill property' due to heavy equipment, large open areas, and moving equipment to aid in emergency procedures/aid while monitoring from scale house if needed. Limit safety hazards of climbing using video capture of loads and vehicle plates.

17.02 Management of Video Surveillance Systems

The City of Dalhart I.T. Department is responsible for the management of all video surveillance systems used at the corporation. Other departments shall not install video surveillance system without the knowledge and approval of the I.R. Department.

Any agreements between the City and any service providers shall state that, to the extent they involve recorded video surveillance, the recorded information from the surveillance system is under the City's custody and control and therefore is subject to the Public Information Act and other applicable laws.

17.03 Video Surveillance Monitoring

The video surveillance systems are capable of being monitored from management approved computers. The I.T. department generally reviews video surveillance cameras on a periodic basis or in response to a specific incident. Because of the many responsibilities of the I.T. department, the video surveillance system is not monitored on a continuous basis.

17.04 Video Surveillance Recording

All video surveillance cameras are capable of being recorded continuously by a digital video recording system. Recorded video is used exclusively for the investigation of security and safety incidents and not for other purposes.

All recorded information is to be utilized for official City business only.

Recorded video is not made directly available to City employees, Council, or the general public. In the event

The City I.T. Department is responsible for the management of the video surveillance system. Access to the surveillance records shall be restricted to those responsible for the administration of the surveillance system. All recorded information is to be utilized for official City business only.

Recorded video is not made directly available to City employees, Councilmembers, or the general public. In the event a security/safety incident occurs, employees shall report the complaint or incident to their immediate Supervisor. If the event occurred in an area where video surveillance coverage is available, the I.T. department will coordinate with the Police Chief to review the recorded video and make a determination if any video relevant to the incident is available. This video may be used to investigate and resolve the reported event or security incident. Supervisors are limited to viewing only areas under their supervision. A supervisor shall be aware that the video surveillance system is not intended to be used as a method of tracking the work habits or productivity of individual employees.

Those responsible for the administration of the surveillance system may assist with surveillance records necessary for:

1. City employees who lawfully require access to the records for the purposes of assisting with risk management, investigating official administrative inquiries, investigation complaints from the public, and processing of personal injury claims and claims related to damage of assets; and
2. Law enforcement agencies by official request where the records may assist in the detection, investigation, or prosecution of crime.

All requests for video recordings by law enforcement agencies shall be coordinated through the City of Dalhart Police Chief. Surveillance records shall be only used for the purposes of:

1. Detecting, deterring, and investigating unlawful activity, which includes possible contraventions of any law.
2. Addressing official administrative inquiries approved by the City manager.
3. Investigating and resolving incidents involving personal injury, damage to assets and other legal claims; or
4. Investigating and resolving public complaints received by the City or matters that may give rise to a citizen complaint being received by the City.

Ownership of the surveillance records shall remain with the City. Recorded video is generally stored for a period of 30-60 days. Any video associated with a specific security incident or event is generally converted into a permanent video clip and stored for the duration of the investigation. Video clips which could become evidence in civil or criminal proceedings are kept indefinitely unless other direction is given by the Legal Department.

17.05 Limitations of Video Surveillance Systems

- Employees should be aware that the system is not being monitored most of the time and employees should not have an expectation that they are under continuous surveillance when they are in the range of a camera.
- Employees should also be aware that the video surveillance system has cameras that cover most of City's interior and exterior areas of all facilities, and even when camera coverage exists, it may not provide the level of detail necessary to spot suspicious activity or identify criminals.

17.06 Request of Video Footage or Images

All requests for copies of surveillance recordings shall be processed in accordance with the Public Information Act and all other applicable laws.

- Internal business request - ANY copied footage or images must be requested by email or in writing. For internal investigations footage/images must be approved by the City I.T. Department or Police Chief for internal use.
- Outside business request - ANY copied footage or images for the general public or any other outside agency may be requested after submitting open public records request to the Police Department.
- Council/Councilmember request - Any copied footage or images requested by Councilmembers or Legal council must be submitted to the City Manager by email or written request with reason why and will be handled in accordance with state law.