



# City of Angleton Employee Policy Manual

This Manual and its Updates are Effective December 1,  
2023

Revisions  
01/01/2021  
12/01/2023

## **A Message from the City Manager**

Employees,

I support these policies and procedures as we continue to grow our staff and standardize policies across this City. It is great to see the things we have accomplished and are poised to accomplish through our professional attitude and performance. As conditions change, we will continue to evolve our policies and procedures to adapt. Please continue to provide input so we may remain relevant and current in how we do business across the city. Thanks for your hard work and dedication in making Angleton the Heart of Brazoria County.

**Chris Whittaker,**  
City Manager  
City of Angleton

# Employee Agreement

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I understand that this Employee Policy Manual, **which is in electronic format** on the City of Angleton website, is intended only to provide guidance in understanding the City of Angleton employment policies, practices, and benefits. I understand that as an employee of the City I am required to comply with all the City's policies and procedures.

I further understand that the City of Angleton Employee Policy Manual is not a contract of employment. I understand that my employment is At-Will and may be terminated by either myself or the City at any time, with or without cause, and with or without notice.

Except for the policy of "At Will" employment, I understand that the City of Angleton retains the right to change this Manual, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as a City of Angleton employee, I have a personal responsibility to provide quality service to the public, to achieve the highest degree of safety possible for my fellow workers, to make suggestions continually for improvements, and to display a spirit of teamwork and cooperation.

I understand that I may be granted compensatory time off in lieu of payment of overtime to the extent provided by law, and I may be required to take earned compensatory time off in accordance with this policy and at the City's discretion.

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Employee Printed Name

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Employee Signature

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Date

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## **Authority and Applicability**

These rules shall apply to all City employees, except as specified herein, or where inconsistent with City Ordinance, City Charter, State, or federal laws. The City Manager shall be responsible for the application of these rules and shall constitute the final administrative authority in their interpretation and enforcement.

## **Amendments to Personnel Policies and Procedures**

The City of Angleton personnel policies and procedures may be amended by the City Manager from time to time. Such amendments will be incorporated into this Employee Policy Manual, and published r electronically on the City's website and will be accessible to all City staff. It is the duty of each employee to read and become familiar with these rules. If access to a computer is needed, it is the employee's responsibility to speak to their supervisor, department head, department director, IT or Human Resources for access to a computer in order to review these policies and procedures if one has not been assigned to them for work purposes. All directors and supervisors shall notify Human Resources if an employee seeks assistance or discloses that he/she speaks/reads English as a secondary language and may require translation of all or portions of this policy manual. All budgetary and wage-related policy changes shall be approved by City Council.

## **Personnel Records**

The Human Resources Office shall maintain an electronic copy of the personal work history records of each employee. Records shall be maintained on inactive employees in accordance with the Texas State Library and Archives Commission Retention Schedule for Records. An employee's records are available for inspection in the Human Resources Office by the employee, individuals authorized by the employee, his/her immediate supervisor, and the Director/Department Head or designee. In response to requests by agencies or individuals outside the City government, the Human Resources Office will release only that employment history information, which is public record, that which is required by law to be released, or which, if released will not violate the employee's right to privacy with appropriate authorization.

Only Human Resources is authorized to discuss an employee's medical condition(s) or test results from any lab. Failure to comply with this section may lead to employee discipline including termination.

Definitions:

**ANNIVERSARY DATE:** The date recognized as being a full year, or multiple years, from the date of initial employment or rehire. Anniversary Date as it relates to full-time employee Longevity Pay shall begin one full year from the date the employee became a full-time employee.

**DEPARTMENT HEAD:** A person responsible for the administration of one department. At times may be used interchangeably with Director.

**DIRECTOR:** A person appointed by and directly responsible to the City Manager for overall management of one or more departments, a Director may also be called a Director/Department Head and the two at times may be used interchangeably.

**NEPOTISM:** is the showing of favoritism toward a relative by blood or marriage

**SAFETY-SENSITIVE or SAFETY-SECURITY SENSITIVE:** Those positions that contain duties that are routinely performed as a part of that position which could reasonably be expected to affect

the health, safety, and security of others. This includes but is not limited to temporary, part-time, probationary, and regular full-time employees who perform the duties of a safety-sensitive position occasionally, intermittently or during an emergency.

## **Chapter 1. GENERAL PROVISIONS**

### **1.01 Introduction**

The purpose of the City's Employee Policy Manual is to provide a consistent guide to personnel actions involving City employees', it is not intended to create contractual rights regarding employment, termination, or other personnel actions. It is not intended to give specific guidelines for every conceivable personnel action, but rather to be a guide for resolving personnel matters. This manual references policies and forms which can be found in the city's shared drive. This document is sufficiently broad to provide the latitude of discretion which may be needed in individual circumstances. However, this degree of discretion shall not be permitted to violate the Policy's intent. This Policy should be referred to regularly when making decisions affecting City personnel. It will help to ensure that decisions are fair, consistent, and in accordance with the desires of City management. These policies may also apply to volunteers of the City.

Personnel Policies are developed by the Human Resources Department and must be approved by the City Manager. The general content of these policies includes information regarding equal employment opportunity, a work environment that is free of discrimination, bullying, retaliation, harassment including sexual harassment, a code of conduct, emergency conditions, personnel files, and departmental policies and procedures.

### **1.02 Management Authority**

The City may modify, revoke, suspend, interpret, terminate, or change any or all its policies and procedures in whole or in part, at any time. Policy administration rests with City management and City management reserves sole authority to administer City operations.

This policy manual supersedes all previous personnel policy manuals or handbooks approved or utilized by the City of Angleton and becomes effective December 1, 2023.

The Director of Human Resources is delegated the responsibility for developing, administering, interpreting, and maintaining personnel policies. Directors/Department Heads are responsible for enforcing these policies and for cooperating with the Director of Human Resources and his/her designee(s) on all matters pertinent to their organizational units. Directors/Department Heads are responsible for assisting the employee or volunteer in accessing an electronic copy of the city policies. All employees have a responsibility and role in the implementation of these policies and procedures.

These personnel policies shall apply to all City employees, including full-time employees, part-time employees, temporary/seasonal employees, and volunteers, except where these policies may conflict with federal, State, or local legislation. Enforcement of these policies is handled in the manner prescribed by the individual policies and if not stated then by Human Resources.

These policies relate only to matters of personnel management and do not include any departmental procedures, standard practices, standing orders, or other technical matters. Supplemental rules for all City departments may be developed within the respective

departments so long as these departmental policies do not conflict with City personnel policies and procedures.

### **1.03 At-Will Employment**

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be At-Will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Policy does not constitute a contract of employment. Nothing in this policy is intended to alter the continuing At-Will status of employment with the City.

### **1.04 Equal Opportunity Employer (EEO)**

The City of Angleton is an Equal Opportunity Employer (EEO). The City does not discriminate against qualified applicants or its employees in its employment policies, practices, and access to its services. Title VII of the Civil Rights Act of 1964, as amended, and other federal civil rights laws, prohibits discrimination against or preference for any person in recruitment, hiring, discharge, pay, fringe benefits, membership, training, examination, appointment, promotion, retention, discipline, or any other aspect of employment because of race, color, sex, age, religion, national origin, veteran status, marital status, disability, or on the basis of genetic information, and all other categories protected by law. The City will not allow illegal discrimination in the workplace, and conduct found to violate the City's policies relating to discrimination and harassment may lead to discipline up to and including termination.

### **1.05 Americans with Disabilities Act Amendment Act (ADAAA) Accommodation Policy**

The City is committed to complying with all applicable provisions of the ADAAA. It is the City's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job with or without reasonable accommodations. Consistent with its policy on nondiscrimination, the City will provide reasonable accommodations determined through an interactive process, to a qualified individual with a disability as defined by the ADAAA, who has made the City aware of his or her disability and needs an accommodation, provided that such accommodation does not place an undue hardship upon the City.

An employee with a disability who believes that he or she needs a reasonable accommodation to perform the essential functions of his or her job should complete the *City of Angleton Request for Accommodation Form HR-12* and submit the form to the Director of Human Resources. The City encourages individuals with disabilities to make the City aware of any disability and to request reasonable accommodation.

#### **Procedure for Requesting an Accommodation**

Accommodation requests will be evaluated on a case-by-case basis through an interactive process. In response to an accommodation request, the Director of Human Resources and the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to enable the employee to perform the essential functions of his or her job. If the employee seeks

accommodation but is unable to suggest appropriate accommodation, the City may consult with outside agencies and organizations to identify reasonable accommodation options for the specific situation.

The Director of Human Resources and the employee's supervisor will determine the feasibility of the requested accommodation. Various factors will be considered, including but not limited to, the nature and cost of the accommodation, the City's overall financial resources, the accommodation's impact on the operations of the City and the individual department or division, including its impact on the ability of other employees to perform their duties, and on the City's ability to conduct business.

The Director of Human Resources will inform the employee of the decision on the specific accommodation request, any alternative accommodation proposed, or how to implement the approved accommodation. If the accommodation request is denied, the employee will be advised of the right to appeal the decision to the City Manager by submitting a written statement explaining the reasons for reconsideration of the request within five (5) business days. If the request on appeal is denied, that decision is final. If an employee's circumstances or needs change, he or she may restart the interactive process and request reasonable accommodation, even if an earlier request has been denied.

The City does not need to provide an accommodation if doing so would cause an undue hardship, meaning the accommodation is unduly costly, extensive, substantial, or disruptive or would fundamentally alter the nature or operation of City business.

The ADAAA does not generally require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items at the City's cost (i.e., eyeglasses, hearing aids, wheelchairs, etc.).

Employees who fail to return to work after the conclusion of an approved leave, including any extensions of leave granted as reasonable accommodation, shall be regarded as having voluntarily resigned their position.

## **1.06 Discrimination and Retaliation-Free Work Environment Policy**

All City employees are entitled to a work environment free from discrimination and retaliation. Discriminatory treatment occurs when an individual uses a protected class (those groups protected from employment discrimination by law) as a basis for an adverse employment action or decision. This policy covers allegations of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information discrimination in, transfer, compensation, termination, and conditions, or privileges of employment.

The City considers discrimination and retaliation to be grave acts of misconduct and may subject the perpetrator to disciplinary action up to and including termination. Supervisors are accountable and have an obligation to pursue a discrimination and retaliation-free workplace environment.

The City will investigate every report of an alleged incident made in the workplace and will take appropriate action. The result of that action may range from informal counseling to disciplinary action, up to and including termination the first time such behavior occurs. Every City employee shall support and enforce this policy.

## **1.07 Harassment-Free Work Environment Policy**

It is the right of all employees to perform their jobs in an environment free from all forms of harassment, including innuendo, physical contact, verbal suggestiveness, or derogatory ethnic/racial/sexual remarks. While supervisors are responsible for creating and maintaining an atmosphere free of harassment, employees are responsible for respecting the rights of co-workers. The City will not tolerate conduct or material that is offensive to a reasonable person, or retaliation for invoking the Americans with Disabilities Act, or conduct or material that is offensive to any individual with a known disability.

Title VII of the Civil Rights Act of 1964, as amended prohibits discrimination on the basis of sex. Additionally, the Equal Pay Act of 1963 prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment; recognizing that not all employees perform at the same level, employee salaries may be different based on factors other than sex, including individual performance evaluations.

The Equal Employment Opportunity Commission (EEOC) defines unlawful Sexual Harassment as unwelcome, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, including hiring, promotion, pay, fringe benefits, job training, classification, referral, and other aspects of employment, or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

It is the City's policy to prohibit sexual harassment and discrimination in the workplace. This policy covers vendors, customers, volunteers, and others who enter our workplace as well as all employees.

### **Harassment and Anti-Violence Workplace**

The City prohibits and will not tolerate employee conduct that is harassing, intimidating, bullying, threatening or violent, including, but not limited to: inappropriate or harassing comments, jokes, references, or mannerisms; threats of violence; physical challenges to fight; stalking; inappropriate or harassing physical conduct; attempted assault or assaulting of fellow employee(s), vendors, customers, or any others who enter our workplace. Employees should make any complaint that they may have under this policy by completing the City of Angleton *Harassment Complaint Form HR-06* and filing the form with the Director of Human Resources. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination. Directors, department heads and supervisors are required to immediately take action, report, and notify Human Resources of any conduct that is harassing, intimidating, bullying, threatening, or violent.

### **Online & Electronic Harassment**

Consistent with the spirit and intent of the Sexual Harassment and Discrimination Policy and the Harassment and Anti-Violence Workplace Policy mentioned above, the City will not tolerate harassing, intimidating, bullying, threatening or violent employee or volunteer conduct or behavior that creates intimidating, hostile or offensive environments online or through electronic means. The City prohibits such conduct whether it occurs at work or outside of work via any social media,

including but not limited to chats, tweets, message boards, blogs, social networking sites such as Facebook, LinkedIn, Twitter, instant messaging, avatars, spam, redirected or automatic linking, popups, or other Internet sources or through electronic means such as text messages, email messages, voicemail messages, or images relayed on cell phones, computers, or tablets when they are directed toward or concern a City employee, a City representative or when they create a harassing, bullying, or intimidating environment at work. These forms of harassment commonly referred to as online harassment, cyberstalking, cyberbullying, or textual harassment are prohibited to the same extent that the similar in-person conduct, or comments are prohibited as described in the Sexual Harassment and Discrimination Policy. The transmission of offensive messages, humiliating comments, threats, or pornographic or lewd images or recordings by City employees to or about any other employee or representative, whether on City-provided equipment or otherwise, constitutes a violation of this policy. An employee who suspects he or she has been subjected to online harassment should save a copy of the harassing material and forward the material together with his/ her completed Harassment Complaint Form HR-06 to the City Manager or the Director of Human Resources. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

### **Online Impersonation:**

Employees should be aware that Section 33.07 of the Texas Penal Code criminalizes social media masquerade. This is also known as “catfishing” which means attempting to pretend to be someone you are not online and includes creating a fake profile on a social networking site, to enable online communications or to open social media accounts with a different identity. This type of online impersonation includes posting or messaging the name, address, phone number or other identifying information about a person without their consent and with the intent to cause the recipient of the communications to believe the person transmitting is authorized to do so, and has the intent to harm or defraud, intimidate, or threaten.

Any employee found in violation of this policy will be considered to have violated the City’s policy concerning online harassment and will be subject to disciplinary action, up to and including termination. The only exception to this policy involves undercover police operations at the direction of the Chief of Police or designee.

### **Complaint & Grievance Procedures**

The City is committed to a workplace free of discrimination and harassment. Any employee that is subject to, is a witness to, or becomes aware of any conduct that might be considered discrimination, harassment, bullying, intimidation, threatening or violence of any employee must immediately report the incident to their immediate supervisor, the City Manager, or the Director of Human Resources (Ref Section 7.03). If a supervisor is notified of a complaint, he or she should immediately notify the Director of Human Resources. If the supervisor is the person engaging in the alleged conduct that is the subject of the complaint, the employee should report the conduct to any other supervisor, the City Manager, or the Director of Human Resources. The City Manager shall be notified of any complaint made against the Chief of Police, at which time the City Manager shall determine the appropriate investigating party, which may include hiring an independent third-party solely for the purpose of investigation. If a complaint is against the City Manager, the employee should report the complaint to the Director of Human Resources who will forward the matter to the Mayor (*This section has been changed at the direction of the City Council on May 13, 2025*) and City Attorney. A complaint against the City Manager may be investigated by an independent third party if approved by council.

The following steps should be taken to file a complaint.

- The person should complete the *City of Angleton Harassment Complaint Form HR-06* and submit this to the Director of Human Resources.
- If a person is filing a complaint or grievance as a result of a known disability, the person should follow the ADA Grievance Procedures found in HR-28.
- The City Manager, or Director of Human Resources will investigate. When appropriate, law enforcement officials will be involved to ensure the safety of employees.
- If it is determined that discrimination or harassment did occur, the City will take immediate corrective action to end the harassment or discrimination, return any lost benefits or opportunities to the employee, restore a proper workplace environment, and discipline the harasser in compliance with Texas Labor Code Sec. 21.142 Unlawful Employment Practice. The disciplinary or corrective action taken may include discipline up to and including termination.
- Complaints made in good faith will in no way be held against any employee. However, the misuse of the complaint process may result in appropriate disciplinary action up to and including termination.
- The City will not tolerate retaliation of any kind and in any manner. This protection extends not only to individuals who complain about unlawful harassment or activities, but also to those who serve as witnesses or participate in investigations under this policy.
- Confidentiality will be maintained as much as possible regarding complaints of unlawful harassment. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only to those who need information to investigate or take corrective action, or as dictated by Texas or Federal law.

## **1.08 Fraud Policy**

The purpose of this policy is to establish a fraud policy to convey, both internally and externally, the intent and conviction that all City business is conveyed with integrity using the highest ethical standards possible. To accomplish this purpose, this policy seeks to establish rules that clearly define acceptable behavior, prevent fraud, and outline the appropriate response to allegations of fraud in connection with City programs, functions, or activities. This policy applies to all City employees. Fraudulent activity is prohibited. All allegations of fraudulent activity will be investigated.

If it is determined that any employee has engaged in fraudulent activity, the employee will be subject to discipline, up to and including termination of employment, and referral may be made to an appropriate law enforcement authority. Retaliation against any employee for reporting what is believed to be fraudulent activity or for participating or cooperating in an investigation or an allegation of fraud, is prohibited.

The City is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, vendors, volunteers, or its own employees, to gain by fraud or deceit, financial or other benefits. It is everyone's responsibility to report any possible fraudulent activity or irregularity. The City will make every reasonable effort to identify and promptly investigate all instances of known or alleged instances of fraudulent activities or other fiscal irregularities.

When suspected fraudulent incidents or practices are observed by or made known to an employee, the employee shall report the incident or practice(s) to their supervisor. If it is inappropriate to report the incident to the supervisor or if an employee is uncomfortable reporting the incident or practice(s) to the supervisor, the employee may report it to their Director/Department Head, and the City Manager or the Director of Human Resources.

Unless there is a conflict of interest, the respective Director/Department Head has the primary responsibility for the investigation of all suspected fraudulent acts in their department as defined in the policy. The Director/Department Head shall provide the findings of the investigation including the determination if fraudulent activities have occurred, by issuing a report to the City Manager and Director of Human Resources. If, during an administrative investigation of an employee, information is found or developed indicating the employee may have committed a criminal offense, the information will immediately be referred to the appropriate law enforcement agency for investigation.

The City will take appropriate disciplinary and legal action against employees or others found to have violated this policy, including possible termination of employment, restitution, and disclosure of available information to the appropriate authorities for criminal prosecution. Fraud will not be tolerated and will be appropriately dealt with regardless of the individual's past performance, position held, length of service, or relation to the City.

### **1.09 Employee Privacy**

The City has a policy of respecting the dignity and worth of each individual employee while expecting that each employee shall offer his/her loyalty, respect, and best efforts in return. However, as public sector employees supported by public funds, employees should not expect privacy in their work, workstations, or any City owned property including vehicles or anything that belongs to the City used to produce that work.

The City shall demonstrate its concern for individual dignity by minimizing its intrusion into the employee's off-the-job conduct except where it impacts the public's safety or brings disrepute to the City. However, the City shall retain its duties and privileges as an employer consistent with good business practices. This includes collection, retention, use, disclosure, and confidentiality of employee information. The City shall comply with all requirements of federal and State law regarding confidentiality of medical information. The City shall comply with the Health Insurance Portability Accountability Act (HIPAA).

During the course of employment, employees/volunteers may have access to Confidential Information. Any Confidential Information, whether oral, written, or electronic, must be maintained in a manner that ensures its confidentiality. The release of any such Confidential Information negatively impacts the City of Angleton.

Confidential information must be treated with respect and care by all employees/ volunteers who are authorized to have access to this information. Employees/Volunteers who are authorized to use or disclose confidential information also have the responsibility to safeguard access to such information. Employees/Volunteers who are authorized by the City of Angleton to access confidential information have a responsibility to limit access to those that are not allowed by permission and by law. The access must be appropriate to the employee's job responsibility, and on a need-to-know basis only. A breach is a violation of this policy or state or federal law, or both. No employee other than the city manager or Director of Human Resources may contact a medical provider or facility or drug testing facility directly regarding the condition or test results, of an employee or any other medical basis as permitted by this policy and law.

City employees shall comply with the terms of the *City of Angleton Confidentiality Policy HR-03*. Employees who breach confidentiality will face disciplinary action up to and including termination.

Volunteers who share confidential information will be removed as volunteers and prohibited from volunteering for the City in the future.

All personnel files are subject to release as allowed by the Texas Public Information Act (*Chapter 552 of the Local Government Code*).

### **Responsibilities under Texas Public Information Act**

All employees are responsible for a level of confidentiality that will preserve an environment that supports sincerity, honesty, and ethical behavior.

As official government records, most types of communication, unless they fit an exception to disclosure, may be made available to the public upon written request in accordance with the Texas Public Information Act.

Every employee is responsible for designating, in writing, whether any information about their home address, telephone number, or emergency contact information may be released under the Texas Public Information Act. A *Public Access Option Form HR-15* shall be in the employee's personnel file which states that this information is not to be released, otherwise it is subject to release under this Act.

### **Employee Access to Personnel Records and Management Files**

Employees have the right to review information in their Personnel File. Any employee who requests to view their personnel file shall do so in Human Resources with Human Resources personnel present. Human Resources shall limit the availability of personal information to those authorized officials with a clear need to know.

### **Current Address and Information**

Each employee is responsible for promptly notifying the Human Resources Department of changes in address, telephone number, marital status, and dependents. These changes will not be accepted through email for security reasons and should be submitted to Human Resources on the *Change of Name and or Address Form HR-08*. This responsibility includes employees on any type of leave of absence. Human Resources will utilize the employee's legal name as displayed on the employee's Social Security card.

### **Confidentiality of Medical Information**

Federal law requires the City maintain all employee medical information in a separate, confidential file. Therefore, in addition to a personnel file, the City maintains a separate medical file for each employee.

Information that may be provided to the City by an employee's health care provider, and maintained in the confidential medical file, includes but is not limited to:

- A note to justify an absence
- A note to request a leave
- A note to verify the employee's ability to return to work
- Medical records to support a claim for disability benefits, sick leave bank hours, FMLA or PTO related to a medical condition.
- Workers' compensation records

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to his/her

supervisor or the Director of Human Resources. When an employee provides information to his/her supervisor, the supervisor is expected to share the information only on an “as needed” basis to other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their co-worker’s medical information. Employees are expected to use discretion and judgment when dealing with such information, and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a co-worker’s privacy or breach of confidence.

All employees are entitled to have personal and medical information kept private. Under no circumstances shall a City employee disclose Protected Health Information (PHI) regarding another City employee.

Unauthorized disclosure of PHI may constitute a crime and shall subject an employee to immediate disciplinary action up to and including termination. Any employee who believes that the City is not complying with requirements of medical record privacy may submit a written complaint to the Director of Human Resources. The complaint must contain a description of the complaint and an explanation of the circumstances surrounding the complaint.

Complaints may also be filed with the Secretary of the U.S. Department of Health and Human Services. No retribution or negative action shall be taken or tolerated because an employee files a complaint with the Director of Human Resources or the Department of Health and Human Services.

### **1.10 Genetic Information Nondiscrimination Act (GINA) Title II**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or embryo lawfully held by an individual or family member receiving assistive reproductive services. It is unlawful for a covered entity to disclose genetic information about applicants, employees, or members. If the City acquires genetic information through the narrow exceptions allowed by this law, that information will be kept confidential and in a separate medical file. The genetic information may be kept in the same file as other medical information in compliance with the Americans with Disabilities Acts Amendment Act (ADAAA). There are limited exceptions to this non-disclosure rule, such as exceptions that provide for the disclosure of relevant genetic information to government officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

### **1.11 Emergency Conditions Personnel Policy**

The citizens of Angleton depend on City employees before, during and after an emergency or disaster to provide quality customer service while maintaining and restoring essential public services for the health, safety, and quality of life for our community. City employees demonstrate pride and a commitment to quality customer service by ensuring a continuation of public services during the essential periods of every emergency or disaster. All employees are

required to adhere to the *City of Angleton Emergency Operations Plan* which details the scope, responsibilities, and implementation of the policy. This rule also sets out responsibilities of City employees before, during, and after disasters to ensure that City employees' function as a team in preparing the City's vital assets, maintaining essential City services and in restoring City services.

All staff shall be assigned to a Response Tier. Employees shall be notified of their assigned Response Tier at the time the City has been made aware of a potential emergency event unless otherwise directed by the City Manager or the employee has an approved waiver. The Emergency Response Tiers are as follows:

#### **Tier I**

Tier I personnel are those who are on the Incident Command. This includes those designated by the Incident Commander-City Manager as follows:

- Incident Commander
- Public Information Officer
- Safety Officer
- Liaison Officer
- Emergency Manager

Depending on the incident this list may include the Operations Section Chief, Finance Section Chief, Logistics Section Chief, and Planning Section Chief.

#### **Tier II**

Tier II personnel during an emergency event will be notified by their Director/Department Head if their need is anticipated based on the type of emergency event. This group may include personnel who are assigned mitigation tasks pre-event, and who may be designated to ride out an event at the City in order to be available to act immediately, particularly at the start of the recovery phase.

#### **Tier III**

Tier III personnel may include the City Secretary and Director of Human Resources who may be asked to leave the emergency event area/ City in order to respond from afar. This may include working from a hotel or other City.

#### **Tier IV**

This Tier includes all other City staff not assigned to another Phase listed above. These personnel shall return to the City post event, and as soon as directed but after the City has been made secure and safe for return and the restart of operations.

Each June 1, employees may apply for an *Emergency Response Waiver* on the prescribed form requesting exemption from responding to an emergency event. The waiver must be supported by documentation and approved by the Department Director/ Head. An approved Waiver is valid from July 1 through June 30 of the following year.

### **1.12 Departmental Policies and Procedures**

Individual departments may develop supplemental personnel and administrative policies and procedures consistent with this Manual. Prior to implementation, all departmental policies will

be reviewed by the Department Director to ensure consistency with existing policies and administrative rules. Human Resources will partner with Directors/Department Heads to develop policies that align business needs with applicable standards, city ordinances and city policies.

### **1.13 Computer Use**

Internet access is provided by the City for use in attaining departmental objectives and goals. Use of the Internet to perform a job or enhance job effectiveness is permitted. Users are required to delete personal or non-business-related e-mail on City computers. Users should not have an expectation of privacy on a City provided network including internet access or e-mail.

#### **Acceptable Use**

Permissible use of the System is to carry forward City business. Use is encouraged when it results in the most efficient and effective means of communication. It is the responsibility of the employee to use the System, including internet and e-mail, to assist in carrying out the business purposes of the City. This includes, but is not limited to:

- Perform job functions.
- Communicate information in a timely manner.
- Coordinate meetings of individuals, locations, and City resources.
- Communicate with departments throughout the City; and
- Communicate with outside organizations as required performing an employee's job functions.

#### **Unacceptable Use**

Unless the use is related to the employee's job duties or authorized by a supervisor, employees may not use the System for any of the following purposes:

- Disable, remove, bypass, or uninstall any standard workstation, laptop, or mobile device host management controls (i.e., Anti-Virus software, Mobile agents).
- Attempt to bypass permissions and access assigned to the employee.
- Share passwords or transmit outside of the City of Angleton networks any usernames, passwords, certificates, or other credential information utilized to access the City of Angleton's networks.
- Under no circumstances is an employee of the City of Angleton authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing City of Angleton-owned resources.
- Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam) or creating or forwarding chain letters.
- The use of City email in an inappropriate manner.
- Sending, forwarding, creating, downloading, viewing, storing, or copying e-mails or information that violates any City policy especially that of a racial or sexual nature, or that contains other derogatory content that violates any City policy. Employees who receive inappropriate e-mails with content not within the City's policies from any City employee must immediately report the matter to their supervisor or the Director of Human Resources.
- Follow unknown email links and attachments. Treat them as suspicious unless the employee is expecting to receive them. Report any suspicious emails to the Information

Technology (IT) Department.

- Surfing internet websites that are offensive, sexually explicit, and abusive, threatening, or using e-mail inappropriate for the workplace, or in an inappropriate manner.
- Spending excessive amounts of time on personal e-mail, surfing the internet, or participating in chat rooms. Excessive use is defined as any use that could generate additional expense to the City, or decrease customer service internally or externally, or otherwise lower productivity of employees.
- Intentionally and maliciously misrepresenting the originator of any type of electronic information.
- Installing copies of any software onto City of Angleton computers or copying software from the City's computer to install on any other computer.

## **Ownership**

All electronic information on the System remains the property of the City, and employees should have no expectations of the right to privacy in the use of the System even if for permitted personal use. Employees must recognize that it is within the capabilities of the System to recover previously deleted elements at any time, and those recovered elements remain the property of the City.

## **Monitoring**

The City reserves the right, with or without notice, at any time, for any reason, to monitor the use of the System and to access information sent, received, or stored.

## **Public Disclosure**

Any information on the System is presumed to be subject to disclosure, upon request, as public information. Therefore, employees should use discretion in making use of the System to discuss sensitive matters or matters in litigation.

## **Passwords**

Passwords are an important aspect of computer security. Employees must take every precaution to protect their passwords, and at no time should any password be shared. A poorly chosen password may result in the compromise of the City's network.

If an account or password is suspected to have been compromised or shared, a mandatory password reset is required immediately. Report any suspected compromise to the Information Technology (IT) department and change all passwords.

## **1.14 Use of City Credit Cards**

The City of Angleton does possess and will utilize credit cards when making City purchases, emergency purchases, and for use during City sponsored travel, or other special purposes. The City of Angleton Finance Director is designated to be responsible for the City of Angleton credit card issuance, accounting, monitoring, retrieval, and for general oversight of compliance with the credit card use policy. City credit cards may be used only by those authorized and only for the purchase of goods or services for the official business of the City of Angleton. All authorized users of City credit cards shall submit documentation detailing the goods or services purchased, the cost of the goods or services, the date of the purchase, and the official business for which it was purchased. Upon termination of an employee who has been issued a City credit card, that employee shall immediately return the credit card to the City of Angleton Finance Director; the Finance Director shall immediately terminate access to any credit card of a terminated employee.

An authorized employee, who is issued a credit card, is responsible for its protection and custody, and shall immediately notify the bank card issuer and the Finance Director if the credit card is lost or stolen. The Finance Department will follow established Accounts Payable internal control procedures for approval, documentation, and payment of credit card charges.

If a City credit or purchasing card is used to make a purchase and the employee does not have a receipt to support the purchase, the employee must reimburse the City for the cost of the unsupported purchase.

Unauthorized use of a City credit card shall result in disciplinary measures to the fullest extent of the law and may include termination.

### **1.15 Use of City Property**

City facilities, equipment, supplies and other City resources are made available to help employees perform their job duties and not for their personal use. The City, however, recognizes that under certain circumstances the employee's occasional brief use of City telephones, computers, facsimile, e-mail, copiers, Internet, and similar resources for personal use may be necessary or beneficial to the City. The City may establish separate procedures governing the use of specific equipment. An employee that violates this policy with excessive use of City equipment for personal use shall be subject to disciplinary action up to and including termination.

An employee who causes or permits loss or damage to city property or city issued equipment to occur through a negligent act or through omission, or otherwise misuses or abuses city property may be held responsible and subject to the cost of repairing or replacing any city supplies, materials, equipment or other damaged property."

### **1.16 Vehicle Allowance**

Department heads/directors may receive a vehicle allowance, which is intended to cover the cost of an automobile, including insurance, maintenance and repairs, fuel, etc. . The vehicle allowance will be paid bi-weekly as part of the payroll process and will be included in the employee's taxable income. A Vehicle allowance shall be approved annually by the City Council as part of the departmental budget process.

Any employee who receives a vehicle allowance may not use a City credit card to purchase fuel or other vehicle maintenance service or equipment for their personal vehicle (refer to *7.01 Grounds for Disciplinary Action* in this manual).

Any city employee who receives a vehicle allowance may not use a city owned or leased vehicle. An employee who is paid a vehicle allowance must also comply with the Texas state law regarding the minimum automobile insurance coverage required. Proof of such coverage may be requested by Risk Management at any time during the year.

### **1.17 Use of City Vehicles**

**City Vehicle-** any vehicle that is owned or leased by the City.

Employees who operate a city vehicle shall not use such vehicle for any purpose not related to city business. Vehicle operators must have a valid Texas Operator's License for the like and kind

vehicle being operated and must observe traffic laws at all times. All City employees must always be secured by safety belts while the vehicle or equipment is being operated. Employees in a safety sensitive position or position that have essential functions to operate a city vehicle or equipment, must provide consent to the City to perform a record check as outlined in Chapter 730 of the Texas Transportation Code.

There shall be no tobacco products, smokeless cigarettes, or vaping items used inside any City vehicle nor while operating any machinery or equipment. While in a city vehicle it is prohibited to purchase alcohol or alcoholic beverages, to transport alcohol or drug paraphernalia; an exception to this policy is a police officer in the course and scope of his duties as outlined in the Angleton Police Department Policy.

Employees, other than certified peace officers, may not carry a firearm in a City vehicle.

Employees who operate City vehicles may not carry passengers who are not employees of the City at any time and may only carry such passengers as are required for the performance of City business, or when other civic or social activities are in the best interest of the City as determined by the City Manager.

Employees who are assigned to be on-call may be allowed to take a vehicle home for the duration of their assigned on-call shift. Police Officers who reside within Brazoria County may take home a vehicle with the permission of the Chief of Police. All other employees must receive written permission from the City Manager to take a city owned or leased vehicle home. Any employee taking a vehicle home is expected to appropriately take care of the vehicle by ensuring it is kept clean and in working order.

Employees who operate a City vehicle, leased, or owned, or who operate their personal vehicle while on City business are responsible for any and all traffic and parking citations received while operating the vehicle, and must comply with Texas financial responsibility laws regarding insurance. If any employee operating his/her own vehicle on City business is involved in a motor vehicle accident, the employee must report the accident immediately to their supervisor or department head, and Human Resources within 24 hours. A claim must first be filed with the employee's personal insurance.

## **CHAPTER 2. RECRUITMENT AND EMPLOYMENT**

### **2.01 Vacancies**

Departments shall notify Human Resources when a vacancy occurs so that the City can attract and recruit staff that reflect the diversity of the community, works well within our organization, and promotes and supports the City's Core Values.

Human Resources shall post notice of a position vacancy along with the requirements needed to perform the job. The intent of the job posting process is to enable all candidates to apply for those vacancies for which they feel they are qualified. Human Resources in collaboration with the director/department head may elect to post a position internally before posting to the general public. Recruitment and job offer shall comply with *Hiring Procedures Policy HR-29*.

The Director of Human Resources in conjunction with the Director/Department Head may waive

the posting requirement in special situations, for example, a temporary employee who is trained and working at a job for an extended period.

## **2.02 Applications**

Human Resources shall post job vacancies on the City's applicant tracking system (ATS). Vacancies will be accessible to the public through the City's webpage under Human Resources unless a decision has been made to post internally first as outlined in 2.01. Applicants must complete an official City job application; resumes will not be accepted in lieu of a completed application. Internal job applicants must complete the *City of Angleton Internal Job Application Form 52*. All applications, internal and external, must be submitted through Human Resources to be considered for the posted position. Incomplete applications will not be considered.

The City maintains applications which are in response to open positions. Applications are maintained in the city's Applicant Tracking System in accordance with the Texas State Library and Archives Commission Retention Schedule for Records.

## **2.03 Evaluation and Selection of Applicants**

To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, the City may check the employment references of all applicants, shall conduct drug and alcohol screening, a physical, and background investigations including but not limited to fingerprinting, a criminal history background check, a motor vehicle records investigation, and a credit check.

The Director of Human Resources may reject any application that indicates on its face, that the applicant does not possess the minimum qualifications required for the position for the following reasons:

- He or she is not able to perform the essential functions of the position to which he or she seeks appointment, with or without necessary accommodations.
- He or she engages in the illegal use or excessive use of drugs or intoxicants, has tampered with, or refused to submit to a preemployment drug or alcohol test.
- He or she has been found guilty of a felony or a crime involving moral turpitude.
- He or she has been dismissed from a previous employment for disciplinary reasons, with or without reasonable cause.
- He or she has been dismissed previously from the City's service.
- He or she has intentionally made false statements in his or her application.

Human Resources, in accordance with the city's established compensation plan, shall establish the wage offered to all candidates based on the candidate's direct experience of the job posted.

All offers of employment shall be completed and sent to the candidate by Human Resources.

### ***Criminal History***

Conditional offers of employment and continued employment are contingent upon receipt and review of an applicant's or employee's criminal history record. An applicant may be disqualified, or an employee may be transferred or terminated if it is found that the applicant or employee has a criminal history record that is inappropriate for the position.

Employees must immediately report to their Director/Department Head any arrest, charge, or indictment, whether related to on-duty or off-duty events. The Director/Department Head will in turn, immediately notify the City Manager and Director of Human Resources regarding all related incidents.

During the pendency of any charges, a determination by the City Manager and Director of Human Resources will be made in consult with the City Attorney to determine whether the employee will remain in their current position, be transferred, demoted, or given time off of work in a paid or unpaid status or be terminated. An employee who fails to timely report the event under this section may be disciplined up to and including termination. The burden of providing proof to change a determination under this policy is placed on the employee.

### **Certified Law Enforcement Officers**

**Background Investigation.** All applicants shall be subject to a rigid background investigation pursuant to the standards of the Texas Commission on Law Enforcement (T.C.O.L.E.).

**Testing.** All qualified police applicants shall be tested to determine their basic qualifications for the job, including a readiness physical test. Said test shall be prepared by or under the direction of the Chief of Police.

**Review Board.** All applicants who successfully comply with the background investigation and testing shall be interviewed and screened by a review board. The review board shall consist of at least three (3) but not more than five (5) people, appointed by the Chief of Police.

After interviewing and screening, the Review Board may recommend up to three (3) applicants to the Chief of Police, ranking the applicants in order based upon qualifications, test score and interview. The Chief of Police may hire any individual who passes the background investigation, physical readiness test, drug and alcohol test, and review board, regardless of rank in score that may result from a group of applicants.

**Citizenship.** All candidates for employment as a uniformed peace officer must comply with the citizenship requirements of Texas Commission on Law Enforcement (TCOLE).

## **2.04 Age Requirements**

Age limits are indicated in some job descriptions for various positions upon the basis of bona fide occupational qualifications or statutory requirements. Where no age requirements are specified, the following shall apply:

- no person under the age of 18 years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned or leased by the City or in positions of a hazardous nature.
- no person under the age of sixteen shall be employed unless a special program is approved by the City Manager or City Council such as summer camps.

Within statutory limits and restrictions, minors (age 16 or 17) may only be considered for employment in positions of non-hazardous nature. Occupations declared to be hazardous to persons between 16 and 18 years of age by the Department of Labor include: motor vehicle driver and outside helper on a motor vehicle, operating power-driven machines, operating elevators and power-driven hoisting equipment, operating chain saws, circular saws and guillotine

shears, excavation, and roofing related activities.

## **2.05 Immigration Law Requirements**

The City of Angleton utilizes E-Verify to validate all I-9 information.

The City will comply with all established federal immigration laws. Individuals must provide employment authorization to work in the United States within three (3) days of hire. Failure to provide appropriate documentation to support employment authorization within three (3) days of the hire date will result in immediate termination in compliance with Department of Homeland Security

Any employee working under a temporary work document must provide to Human Resources unexpired proper employment eligibility documentation, failure to comply with this provision will result in termination.

Any employee whose authorization to work in the United States expires, must present legal proof they may remain employed, or the employee will be subject to immediate termination for cause.

Any person found to have presented fraudulent documents in order to work in the United States will be immediately terminated for cause.

## **2.06 New Employee Processing and Orientation**

The hiring Director/Department Head, manager, and Human Resources staff will partner to ensure a successful orientation for all new employees. This will include successful completion of all required paperwork before beginning work for the City. The department will be tasked with ensuring new hires or newly promoted employees are properly trained in the safe use and operation of tools and equipment and provide necessary Personal Protective Equipment (PPE).

## **2.07 Medical Examinations**

Employees may be required to submit to a fitness for duty medical examination in accordance with federal and state laws.

## **2.08 Disqualification**

An employment applicant may be disqualified from consideration if he/she:

1. does not meet the qualifications necessary for the duties of the position.
2. Cannot perform the Essential Functions of the job with or without accommodation.
3. has made a false statement of material fact on the application form or supplements.
4. has committed or attempted to commit a fraudulent act at any stage of the selection process.
5. is not legally permitted to work in the United States.
6. does not successfully complete all pre-employment procedures which may include, but are not limited to:
  - a. Background investigation
  - b. Physical, and drug and alcohol screen
  - c. Driving record check

Any employment applicant may be disqualified from consideration upon other reasonable grounds relating to job requirements.

## **2.09 Introductory Period**

Every person initially hired for or promoted to a position in the City shall be required to successfully complete an Introductory Period of six (6) months. Completion of the Introductory Period does not change the employment-at-will relationship, and either party may terminate the employment relationship at any time, with or without notice, and with or without cause.

Performance will be evaluated throughout the Introductory Period, and when applicable, progressive discipline, as outlined in this manual shall be used. Only those employees who meet acceptable standards during their Introductory Period shall be retained. The direct supervisor will provide feedback to the employee during this Period as consistent with the City's performance management practices (*see Chapter 4 of this Employee Policy Manual.*). The Introductory Period may be extended for an additional one (1) month, if the employee is not fully meeting the acceptable standards at the end of the six (6) month period, the Introductory Period may not be extended beyond the additional one (1) month. Human Resources may provide guidance regarding the decision to extend the Introductory Period.

An employee is considered to have failed the Introductory Period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof does not meet minimum job performance standards and expectations for the position. Failure of the Introductory Period may occur at any time within the Period and shall not be considered part of the disciplinary process.

An employee who fails the Introductory Period may be separated from City service and will not be paid their accrued PTO. A newly promoted employee who fails the Introductory Period may be returned to his/her former position if available and approved by the Director/Department Head and may be eligible for consideration for later advancement. Director/Department Head shall ensure thorough documentation of all cases of failure during the Introductory Period.

An employee failing the Introductory Period shall have no right of appeal except on the grounds of discrimination prohibited by law, in which case the employee may appeal in writing to the Director of Human Resources.

## **2.10 Promotions/Transfers**

It is the policy of the City to allow the transfer of employees between positions and departments to promote from within, where possible, when filling vacant or newly created positions. Employees that meet the following criteria are eligible to apply for another open position within the City:

- are satisfactorily performing their duties.
- no documented verbal reprimands within the previous ninety (90) days.
- no written reprimands within the past six (6) months.
- no documented final written reprimands, suspensions, or disciplinary demotions within the last twelve (12) months.

Employees interested in available opportunities for promotion or transfer should review job postings available on the City internet website or in the Human Resources Department. A letter

of interest and an updated resume should be turned in to Human Resources along with a completed *Internal Job Application Form HR-52* prior to any posted closing date for openings.

This policy statement does not, in any manner, guarantee an employee a promotion or create a contract of employment (expressed or implied).

All Police Department promotions/transfer shall comply with the established Police Department Directives/ policy.

**Notice to Department.** If selected for transfer or promotion, the employee must give at least two (2) weeks' notice to the employee's current department, unless waived by the employee's director/department head.

The time requirement may be waived by the Director of Human Resources upon recommendation by the Director/Department Head or City Manager if a promotion, or transfer would be in the overall best interest of the City.

All promotions and related salary increase shall be coordinated with the Director of Finance and the Director of Human Resources and shall comply with the city's adopted classification and compensation program. Departments involved in the transfer or promotion shall mutually agree on a date of the action. The maximum amount of time for action should be two (2) weeks unless extenuating circumstances exist; it will be a management decision in coordination with the Director of Human Resources or City Manager.

All promoted employees must successfully complete a six (6) month Introductory Period. If either the supervisor or the employee is dissatisfied in any way during the Introductory Period, the employee may request a return-transfer to the former position. The transfer may be approved by the Director/ Department Head or the City Manager only if the position has not been filled. If the employee's former position is no longer vacant, the employee may be separated from employment with the City.

## **Transfers**

A transfer is defined conceptually as the assignment of an employee from one position to another position of the same or similar grade or salary range. Transfers may be made administratively or in conjunction with an announced selection process. An interdepartmental transfer may occur at any time for administrative convenience or upon request of the employee as approved by the Director/ Department Head and the Director of Human Resources, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated.

Departments involved in the transfer or promotion shall mutually agree on a date of the action. The maximum amount of time should be two (2) weeks unless extenuating circumstances exist and at that time, it will be a management decision in coordination with Human Resources.

## **2.11 Re-Employment**

To be considered for re-employment, a former employee must have demonstrated acceptable performance in their prior service with the City and must meet the minimum qualifications for the position for which they are applying. The employee must remain mentally and physically qualified to perform the essential functions of the job and may be required to pass a physical examination

(depending on the position) and a drug and alcohol screen as required by all candidates for employment.

Individuals who were terminated from the City, who resigned without giving two weeks' notice, or who failed to work their final two weeks, who resigned not in good standing or in lieu of discharge, who resigned pending the outcome of an investigation in which they were the subject of or party to, or who are not otherwise recommended for rehire, are generally not eligible for rehire. These individuals may only be considered for employment with the City of Angleton after discussion and agreement between the Director/Department Head, Director of Human Resources and City Manager.

Rehired employees are subject to the conditions of employment and benefits of a newly hired employee including the Introductory Period if separation has been longer than 30 days.

## 2.12 Nepotism

**Nepotism** - is the practice of showing unfair favoritism toward a relative.

The employment of relatives can cause various problems including but not limited to charges of favoritism, conflicts of interest, family discord and scheduling conflicts that may work to the disadvantage of both the City of Angleton and its employees. In keeping with the City of Angleton City Charter no city officer or employee shall violate any applicable nepotism law of the State of Texas as it now reads or may read in the future.

No person who is related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to a member of the city council or to the City Manager is eligible for any office, position, or service with the city. The practice of nepotism in both personnel matters and the awarding of contracts are prohibited. Every employee must make full disclosure of any situation that involves or may involve a conflict between the employee and the interests of the City. Every employee always has an obligation to promote the best interests of the City.

It is the general policy of the City that relatives within the second degree shall not be employed in the same department or organizational unit. Any exceptions shall be approved in advance by the City Manager or Director of Human Resources. If an exception is made and it is later determined the nepotism has cause for concern or conflict, the employee hired last shall be separated from employment by the City Manager.

Prohibited degrees of relationship are defined in the following chart:

<b>CONSANGUINITY (BLOOD) KINSHIP CHART</b>			
	<b><u>FIRST DEGREE</u></b>	<b><u>SECOND DEGREE</u></b>	<b><u>THIRD DEGREE</u></b>
<b>EMPLOYEE</b>	Father Mother Son Daughter	Brother Sister Grandfather Grandmother Granddaughter Grandson	Aunt Uncle Nephew Niece Great Grandfather Great Grandmother Great Granddaughter Great Grandson

(The spouses of the above persons are also included in the prohibited degree of relationship.)

### AFFINITY (MARRIAGE) KINSHIP CHART

<u>FIRST DEGREE</u>	<u>SECOND DEGREE</u>
Spouse	Brother
Mother	Sister
Father	Grandfather
Son	Grandmother
Daughter	Granddaughter/son

#### Non-Fraternization

Supervisors are prohibited from dating or have any involvement of a romantic nature with subordinates.

#### 2.13 Residence

There shall be no absolute residence requirement for City employment except as may be provided by Charter, or in the event a person is assigned a take-home-vehicle. Employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges to be able to respond within 30 minutes to their place of work.

#### 2.14 Political Candidacy by City Employees

The following shall apply when City employees seek elected office.

- A City employee who intends to run for a political office within the City of Angleton shall file the designated *City Employee Intent* form with the City Manager **before** announcing and applying for candidacy. This form may be found in the Office of the City Secretary.
- A City Employee seeking election to the City of Angleton City Council must voluntarily resign their employment with the City of Angleton upon becoming a candidate for public office.
- A City Employee may seek election to or be a candidate for a political office, if such office does not pose a conflict of interest related to his/her job duties, authority, work hours, or other related aspects of employment. If elected or appointed to political office (such as city council for another city, county commissioner, school boards, etc.), and such office is clearly inconsistent, incompatible or in conflict with his/ her duties as a City employee, the employee shall terminate City employment prior to assuming the elected or appointed office.
- The City Manager will determine if a potential conflict exists based on the candidate and this policy.

## CHAPTER 3. COMPENSATION AND WORK HOURS

### 3.01 Salary Policy

The City maintains a classification and compensation system. Positions are placed in a pay group in the pay schedule based upon the required knowledge, skills, abilities, education, training, and experience required for the position, and upon the relative influences of the local labor market conditions as they affect the position. The City strives to ensure positions with similar levels of responsibility and work value are allocated similar classification levels.

### 3.02 Categories & Classification

(1) Job Classification and Compensation or Pay-Range Schedule.

(a) The City groups all jobs into a job classification and compensation or pay-range schedule according to job duties, responsibilities, knowledge, education, training, skills, and abilities.

(b) For each job classification, there is a job title, job description, and compensation pay range, a description of the essential functions of the job, the minimum qualifications required to perform the job, and the pay range for the job.

(c) The job descriptions are intended to be descriptive and explanatory only, and do not necessarily include all the duties performed by an employee.

(2) Maintenance of the Job Classification and Compensation or Pay Range Schedule. The City Manager and Human Resources Director shall be responsible for the maintenance of the Job Classification and Compensation or Pay-Range Schedule Plan and shall recommend to the City Council the assignment of each job position to its appropriate compensation pay range and the designation of each job position as exempt or non-exempt in accordance with law.

(3) Job Classification and Compensation or Pay-Range Schedule Adoption and Amendments. The City Council shall adopt and amend the Job Classification and Compensation or Pay-Range Schedule. The City Manager and Human Resources Director shall implement the Council adopted Job Classification and Compensation or Pay-Range Schedule.

(4) Requests for Classification review will be accepted in accordance with the *Classification Review Policy HR-24*.

The City offers full-time, part-time, and temporary/seasonal employment opportunities to meet the City's staffing requirements. The City may also use temporary employment agencies, volunteers, and community service workers to provide flexible response to changing workload requirements.

- *Full-time* – an employee in a budgeted position with an officially scheduled work week of at least 40 hours. Employees in these positions are eligible for City benefits subject to the terms, conditions and waiting periods of each program such as vacation, sick leave, paid holidays, health insurance, life insurance, retirement, workers' compensation, etc.
- *Permanent Part-time* – an employee budgeted to work no more than twenty-nine work hours per week for at least 40 weeks per year. This employee is not benefit eligible but may be eligible for TMRS. This employee is eligible for paid holidays after 1 year of service

in the amount equal to the average daily hours worked in the previous 12 months.

- *Part-time* - an employee who shall not exceed nineteen work hours per week/999 hours per year. This employee is not eligible for benefits or TMRS.
- *Temporary/Seasonal* – an employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of limited duration (less than 1,000 hours annually). Temporary/seasonal employees may be either full-time or part-time. Intern positions are included in this category. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and Seasonal employees are not eligible for benefits except those which are legally mandated, such as workers' compensation.
- Benefits include medical, dental, vision and life insurance and any other ancillary product offered including participation in the city's elective deferred compensation plans.

In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt in accordance with federal regulations for overtime and minimum wage requirements through the Fair Labor Standards Act (FLSA).

*Exempt* – an employee in a position paid on a salary basis regardless of the number of hours worked in a pay period and exempt from the provisions of the FLSA's minimum wage and overtime regulations. Exempt employees are not legally entitled to overtime compensation for work performed beyond 40 hours in a workweek except as provided for under *Emergency Events Policy EM-01*.

*Non-exempt* – an employee who is not classified as "exempt" and is paid on an hourly basis for the number of hours worked in the work week. Employees in these positions are subject to the provisions of the FLSA's minimum wage and overtime regulations.

### **3.03 Record Keeping**

Department Directors will have full responsibility for reporting all hours worked for department employees which shall be maintained in the electronic attendance/ payroll system.

### **3.04 Longevity Pay**

Full-time employees shall be entitled to five dollars (\$5.00) per month for each year of uninterrupted service to the City. All part-time, permanent employees shall earn longevity pay at a rate of two dollars and fifty cents (\$2.50) per month for each completed year of service after three (3) years of employment.

Longevity pay shall be paid to eligible employees each year on the first payroll in November.

Part-time employees who are not permanent part-time, and seasonal employees are not eligible for longevity pay.

### **3.05 Pay Upon Separation**

All employees who have successfully completed the Introductory Period and who leave the service of the City for any reason shall receive all pay which is legally due. Any indebtedness to the City which the employee may have incurred shall be deducted from the final paycheck.

All employees who resign shall give at least two (2) weeks written notice before the effective date of resignation in order to leave in good standing. Employees who are terminated or who

do not provide two weeks' advanced written notice may not be paid out their accrued PTO.

If it is in the best interest of the City, the Director/Department Head in conjunction with the City Manager, may waive the final two (2) weeks of employment. If the City waives the final two (2) weeks of work, the employee may be compensated for the two (2) week period and be paid out their accrued PTO.

An employee should not plan to use accrued leave during their final two (2) weeks' notice period. If the employee needs to use one (1) day of Compensatory Time or PTO to attend a medical visit, a doctor's notice must be provided. If the employee does not work their final two weeks, and has no supporting medical documentation, the employee may risk losing payment of accrued PTO. Exceptions may be made for extenuating medical circumstances.

### **3.06 Work Week & Attendance**

The City of Angleton's work week begins at 12:00AM on Sunday and ends the following Saturday at 11:59 PM. City Offices are open to the public for the transaction of business from 7:30 a.m. to 5:30 p.m., Monday through Friday. The Police Department shall be open to the public continuously. Police Officers are scheduled to work eighty (80) hours in a two-week pay period. All other regular, full-time employees are scheduled to work forty (40) hours per week but may be required to work additional hours. Directors/ Department Heads and the Director of Human Resources or the City Manager shall determine the time at which employees begin and end their work shifts.

Employees shall be at their designated workspace at the start of their assigned shift and place of work in accordance with City and departmental policies and regulations. Employees who have access to clock In/Out from a smart device may only do so with approval from their Department Head/Director. No employee shall clock-in and leave to conduct personal business, doing so will constitute a theft of time and will be grounds for disciplinary action up to and including termination.

Department Directors shall establish work schedules and maintain daily employee attendance records. Supervisors will exercise the primary management-level responsibility to oversee employee attendance. Excessive absences, excessive tardiness, failure to report to work without reporting the reason to the immediate supervisor, failure to follow the procedures for requesting or using leave are undesirable performance factors and will be managed by supervisors who may use the disciplinary process up to and including termination if necessary.

Failure to report to work without notice for three consecutive business days will constitute an abandonment of the job and will result in termination for No-Call-No-Show. If the first no-call, no-show is a Friday and the second no-call, no-show is on Monday of the following week, this shall constitute abandonment of job and will result in termination.

### **3.07 Compressed Work Week**

A department director has the option to allow employees to work an alternative work schedule such as a compressed workweek.

A compressed workweek allows full-time employees to work longer days for part of the week or pay period, in exchange for shorter days or a day off during the pay period.

A compressed workweek schedule at the City of Angleton consists of a full-time employee working a schedule other than a regular eight-hour day, five days a week.

Compressed workweek schedules must meet the following requirements for consideration:

- All full-time employees must work a 40-hour week police shall work 80-hours in a two-week period.
- Operational requirements must be met, and service to our customers must not be impacted.
- Utilizing a compressed work week shall not create overtime/comp time that would not normally exist; costs to the City will not increase.
- Each department must be covered during normal business hours.

Compressed workweek schedules will meet the following standards:

- Compressed workweek schedules will not diminish the ability of the City to assign responsibility and accountability to employees for the provision of services and performance of their duties.
- When a paid holiday falls on an employee's regularly scheduled day off, the employee will be given another day off during the same week as the holiday. In the case of a department that operates 24-7 such as the Police Department, who are required to work on a regular City paid holiday, the employee shall earn the equivalent of their regular working hours as holiday pay along with their hours worked.
- Any employee who uses accrued leave for a workday shall be docked equivalent to the workday being taken off. (Example: A 9-hour a day employee who takes a day off must use 9-hours of accrued leave.)
- Employees are encouraged to schedule all personal appointments on their off day.

### 9-80 Schedule

Employees whose director/ department head has approved a 9-80 schedule will work as follows:

	Monday	Tuesday	Wednesday	Thursday	Friday	Total Hours Worked
Week 1	7:30am-5:30pm	7:30am-5:30pm	7:30am-5:30pm	7:30am-5:30pm	7:30am-5:30pm	45**
Week 2	7:30am-5:30pm	7:30am-5:30pm	7:30am-5:30pm	7:30am-4:30pm	Day Off	35 + rolled hours

\*\*Hours worked from 12 noon to the end of the day on the Friday worked will roll to the next work week.

### 3.08 Overtime

The City has the right to require that overtime hours be compensated in the form of pay or Compensatory Time, as determined appropriate by the Director/Department Head. Overtime compensated monetarily shall be calculated as required by FLSA. Overtime shall be calculated to the next quarter hour. All overtime to be worked must be approved in advance by the Department Director or his/her designee.

Overtime shall be defined as:

- Police Officers and Public Safety Communications Officers – all hours worked in excess of eighty (80) during a two-week pay period.
- All other employees-all hours worked in excess of forty (40) during one (1) work week.

Minimum overtime amounts shall be as follows:

- Additional time worked at the beginning or end of the regular shift shall be limited to the actual time worked.
- Police Officers called to work while off duty and out of uniform shall be awarded a minimum of two (2) hours if they are required to appear in uniform (uniform shall include a tie, badge, and weapon for police investigators.)
- All other employees called to work after finishing a regular shift shall be awarded a minimum of one (1) hour.

### **3.09 Compensatory Time (Comp Time)**

The City has the right to award Compensatory Time in lieu of paid overtime. Only non-exempt employees are eligible for Compensatory Time. Compensatory time off at one and one-half times the hours of overtime worked will be permitted in lieu of actual cash payment, which shall be determined by the City. Supervisors must approve the accrual and the taking of Compensatory Time in advance.

When a non-exempt employee has accrued Compensatory Time in excess of thirty-six (36) hours, the employee shall be required to use a portion of their Compensatory Time within six (6) months of accrual. When an Officer of the Police Department has accrued compensatory time in excess of sixty (60) hours, the employee shall be required to use a portion of their Compensatory Time within six (6) months of accrual.

### **3.10 On-Call Time**

*This policy applies to all non-exempt employees.*

All full-time employees who are waiting to be engaged (on call) and are subsequently called into service, shall be paid from the moment they are on-site or clock in, until the job is complete with the exception of employees of the Police Department.

Employees who have called off work for the day or who have a scheduled PTO on the day they are scheduled to be “on-call” shall be removed from “on-call” and shall not earn any “on-call” stipend and shall not be called into work; the supervisor shall make arrangements to assign the “on-call” status to another employee.

Public Works employees will comply with the Standard Operating Procedures (SOPs) set out in the “*On-Call SOPs-PW-10*”

### **3.11 Incentive Pay**

Incentive pay includes certification pay, bilingual pay, degree pay and other such related pay. The City may arrange for such stipends as the budget allows, and payment of such shall be determined each fiscal year by City Council. Incentive pay is not guaranteed from year to year.

Incentive pay is not included in an employee's base wage but shall be included as earned income for tax, garnishment, employee benefit, and TMRS purposes.

A list of those professional certifications or designations eligible for pay shall be approved by the City Manager and maintained in the Department of Human Resources.

### **3.12 Breaks**

Director/Department Heads and Supervisors shall implement work schedules, including work hours and lunch schedules to meet the general requirements of their departments. Rest breaks of 15 minutes or less are not required by law, but if offered, must be counted as time worked.

### **3.13 Lactation**

The City shall make a reasonable effort to accommodate the needs of employees who express breast milk by providing reasonable break times and shall provide a private place, other than a bathroom, which is shielded from view and free from intrusion from other employees and the public, to express breast milk. An employee who needs to express breast milk during working hours should inform their Director/Department Head to determine reasonable accommodation. Under Texas Law a public employer may not suspend or terminate employment of, or otherwise discriminate against, an employee because she has asserted her right to express breast milk in the workplace.

### **3.14 Retirement**

Effective on the date of employment, employee participation in the Texas Municipal Retirement System (TMRS) is mandatory if the employee's position normally requires them to work at least 1,000 hours per year. Employees contribute six (6%) percent of their gross compensation, and the City matches the employees' contributions at a 2 to 1 ratio. The provisions of the retirement program are covered in the TMRS Handbook available by visiting <https://www.tmr.org>.

Permanent part-time employees will participate in the City's Retirement Plan when scheduled to work 1,000 hours or more per year as a regular course of business.

The City provides a five (5) year vesting, which means an employee who completes five (5) years of service to the City and then separates from employment with the City (without withdrawing his/her deposits) becomes entitled to service retirement at age 60. An employee can retire at any age after twenty (20) years of credited service.

### **3.15 Social Security and Medicare**

The City participates in the Federal Social Security (FICA) and Medicare system which provides benefits in the event of retirement or disability.

### **3.16 Unemployment Insurance**

All employees of the City are covered under the Texas Unemployment Compensation Insurance Program. The premium for this insurance is paid for by the City.

### **3.17 Bi-Weekly Payroll**

The City of Angleton operates on a bi-weekly payroll system and pay stubs are issued twenty-six times a calendar year.

### **3.18 Direct Deposit and Check Stubs**

Direct deposit offers a cost-effective way of ensuring that all employees are paid in a timely manner. Therefore, all employees are requested to have direct deposit for their pay, if the employee does not have direct deposit, a pay card will be provided to the employee in which payroll funds will be deposited. Electronic pay stubs are provided to employees following each pay period. An employee who would like a paper pay stub shall make the request to Human Resources.

The City will deposit funds into the financial institution where the employee is the owner of the account. Employees are responsible for notifying Human Resources of current banking information.

### **3.19 Errors In Pay**

It is the employee's responsibility to notify payroll if the employee detects errors in a paycheck. This includes over and underpayments, errors in deductions, and other information that would cause a discrepancy in the net or gross income of the employee. If an error occurs which results in an overpayment to an employee, the employee will be required to reimburse the overpayment to the City within a reasonable time. If the error occurs on the employee's final paycheck, corrections must be made in cash or cashier's check. If the error results in underpayment, the employee shall be made whole on their next payroll or through the Finance Department as soon as possible, or no later than the next regularly scheduled pay period.

### **3.20 Holidays**

If payday falls on a holiday, pay stubs will be issued on the preceding workday.

### **3.21 Assignment of Wages/Garnishments**

The City shall not recognize any assignment of wages not required by law. Payroll deductions are allowable only when available to all City employees and approved by the City Manager unless mandated by law.

The City is not required to take action in the event of any garnishment, attachment, or judgment against an employee's earnings, except the collection of overdue federal income taxes or court-ordered child support.

### **3.22 Emergency-Inclement Weather Compensation**

The City of Angleton makes every effort to maintain its normal schedule of operations, unless directed otherwise, to deliver City services during all scheduled and published hours. Employees, unless otherwise ordered, are expected to report to work regardless of weather conditions or other emergency situations.

Regardless of weather or other conditions, the City never closes. Because of the essential and direct impact on public safety and health, essential City services must continue regardless of the weather, man-made or technological emergencies or disasters. Emergency Essential Personnel are required to report to work as scheduled or as needed, regardless of official delayed opening, early closing, or closure of City facilities. This section outlines how compensation will be handled under emergency-inclement weather conditions.

In the event of a Federally declared emergency, the City Manager, at his/her discretion, may determine the appropriate compensation, if any, for exempt employees. The City's Emergency Management Plan, the Office of Emergency Management, the Angleton Police Department Directives, the Finance Director, and the Director of Human Resources should be consulted when determining compensation. (Rev. 3/2024)

## **CHAPTER 4. EMPLOYEE DEVELOPMENT**

### **4.01 Performance Management**

The City of Angleton's Performance Management Program is a management tool providing supervisors and managers with objective, job specific appraisal instruments to be applied using standardized procedures. Important administrative uses of the Performance Management Program in the City include identifying employee training needs, guiding administrative decisions regarding promotions, re-assignments, disciplinary actions, and terminations.

The employee performance management process is intended to accomplish the following objectives:

- enhance individual employee performance and ensure effective City operations.
- promote and support performance and behavior which is aligned with the City's values-based culture.
- document both formal and informal performance discussions held with employees throughout their tenure.
- identify and enhance employee strengths and develop action plans to address areas of improvement.
- link employment decisions with employee performance when applicable.

An employee's failure to meet job requirements or failure to satisfactorily perform job duties may result in a Performance Improvement Plan (PIP) or disciplinary action, up to and including termination.

### **4.02 Performance Evaluation Review**

All employees during their Introductory Period shall receive their first performance review within ninety (90) days of employment. Thereafter, employee job performance shall be reviewed at least annually in order to evaluate job performance and facilitate communications between employees and supervisors. Employee performance reviews shall be in writing. Each supervisor will be required to complete a performance review at intervals determined by the City Manager for each employee with a copy provided to the Human Resources Department.

If an employee is absent during the year for an extended period of time, the review may be delayed until sufficient time has passed in which to evaluate the employee's performance.

### 4.03 Training

The City will provide appropriate training for City employees subject to available funding. All job specific training must be aligned with City-Wide training, strategic goals, or certification requirements.

Human Resources will sponsor citywide training for areas of development deemed necessary for all or a large portion of City employees. Each Department may establish training for their specific needs.

Employees and supervisors have a shared responsibility in the creation and implementation of an employee development plan.

- *Individual Employee Responsibility* - Each employee is accountable for her/his job performance. Employees should request training from their supervisor in the areas that need improvement. At a minimum, employees should be able to perform their essential job duties and consistently exhibit behavior which is aligned with the City's values.
- *Immediate Supervisor Responsibility*- The immediate supervisor is responsible for the overall development of his/her employees. Supervisors shall identify areas for development and ensure training opportunities. Supervisors should ensure their employees are well trained to perform their job duties and deliver exceptional service delivery and customer service.

### 4.04 Travel and Training Time

The determination of whether time spent traveling or in training (classes, seminars, workshops, etc.) is compensable, will be based on applicable standards such as the FLSA. Generally, any training time that is required by the City will be considered work time. Daily commuting time to and from the employee's normal work location is not considered work time.

#### Authorization

Directors/Department Heads are responsible for authorizing out-of-town travel and training, considering both budget availability and department staffing needs. The City will pay for allowable business travel expenses (refer to *Vehicle Allowance Policy FI-04*) when reasonable, necessary, and directly related to conducting business for the City of Angleton. Expenses incurred for City travel that are not in compliance with the policies outlined below will not be paid or reimbursed. City related travel shall be reimbursed at the Texas Comptroller's Travel Reimbursement Rates for the year in which the travel occurred.

The following are considered reasonable and necessary business travel expenses. Refer to the *Travel Expense Policy FI-02* and the *Vehicle Allowance Policy FI-04* for qualified reimbursements found in the city's shared drive.

- Transportation (City or personal vehicle, airfare, parking)
- Lodging
- Registration fees for conferences, training, and tuition
- Meals
- Other incidental business expenses (copies, fax, internet service)

The following will **NOT** be paid or reimbursed.

- Alcoholic beverages
- Theft, loss, or damage to personal property
- Airline or another trip insurance
- Personal entertainment
- Personal care services
- Fines for parking or traffic violations

### **Air Travel**

Air travel should be booked with the carrier that offers the best fare and routing for the destination. Advance arrangements for air travel should be made in order to receive the best rate for the travel period.

### **Personal Vehicles**

When traveling in a personal vehicle for business purposes, the following information will be recorded on the personal mileage reimbursement form: the date and destination, business purpose of trip, total mileage as calculated from the workplace. Miles traveled will be documented using standard highway mileage guides and with a printed internet map showing total miles traveled.

Mileage expenses will be reimbursed at the current mileage rate set by the Texas State Comptroller's Office. Mileage will be paid from the City of Angleton City Hall to the destination point and incidental travel in the area related to the trip. The City gas or credit card should not be used by any employee who also receives a Vehicle Allowance or in conjunction with private vehicles, since the established mileage rate covers all cost of vehicle operation including gasoline, insurance, and maintenance.

### **Rental Cars**

The cost of vehicle rentals while on travel status must be approved in advance by the Director/Department Head. The City will pay for a compact or a mid-size rental vehicle only if needed for business purposes when no other less costly transportation alternative exists.

### **Lodging**

The City will pay lodging costs at the Texas State Comptroller's room rate. When attending a training or conference, an employee may elect to stay at the conference hotel at the lowest available room rate. Lodging costs will be paid, or reimbursed, on an actual cost basis. An original detailed hotel receipt, showing the single room rate plus taxes, must be submitted with the request for payment.

### **Registration**

Fees charged for registration to attend City business-related conferences are allowable expenses. A copy of the conference flyer, brochure, or registration packet must be provided as documentation for payment or reimbursement. The document must show the dates of the conference, summary agenda, and location.

### **Meals**

Meal expenses, while on travel status, will be reimbursed on an actual cost basis or by per diem (refer to the *Travel Expense Policy FI-02*.)

- **Actual Cost.** The cost of meals should be appropriate to the time and place of the meal. If the event you are attending offers meals, the employee will not be reimbursed if the employee chooses not to participate in those meals and chooses to eat elsewhere. Reasonable gratuities for service (i.e., 15% of meal cost) are considered part of the acceptable meal costs. Requests for reimbursement should be made within 15 days of return from travel. All claims for reimbursement will be accompanied by a vendor's original detailed receipt. All receipts must show the date, description of purchase, vendor identification, and the amount paid. Meals shall be reimbursed at Texas Comptroller's Travel Reimbursement Rates for the year in which the travel occurred, and the location in which the meals were obtained. A reimbursement will be adjusted down for partial days of travel.
- **Per Diem.** Per Diem is the allowance for anticipated meals paid prior to travel. The rate will be adjusted down for partial days of travel and for meals included in conference registration fees. Request for per diem must be made 15 days prior to travel.

### **Incidental Expenses**

Miscellaneous expenses including but not limited to taxi service, parking, copy and internet connection charges, are authorized expenses if deemed reasonable and necessary and related to City business. The employee shall present an original receipt for incidental costs showing the date the cost was incurred, the vendor's name, purchased item(s) and cost.

### **Claims and Documentation**

Employees will complete and certify the designated City travel expense form within fifteen (15) business days of return from travel. The following is a list of required documentation supporting travel expenses:

- Copy of conference or training registration showing dates and cost.
- Conference, training, or meeting agenda to document business purpose.
- Travel Itinerary as appropriate.
- Per Diem reimbursement request for meals and incidentals; or original itemized receipts for meals and incidentals if actual cost reimbursement method was elected; and
- Personal vehicle mileage report, including internet mapping verification of miles traveled.

It shall be the responsibility of the Finance Department to provide the forms and instructions necessary for the implementation of all travel policies. Directors/Department Heads are responsible for ensuring these policies are adhered to.

### **Personal Expenses**

The City will not pay for personal travel expenses that may be incurred during business travel. When personal travel is scheduled in connection with a business trip, the City pays only those expenses directly related to official City business. Any expenses related to personal travel must be clearly distinguishable and paid directly by the employee.

## CHAPTER 5. EMPLOYEE BENEFITS

### 5.01 Employee Health and Welfare

The City provides a variety of benefits, services, and programs for employees. Some programs are provided according to law; others are provided at the option of the City. Eligibility for these programs may depend upon the type of position occupied.

The Human Resources Department is responsible for administering the programs contained in this section. It is the responsibility of the Director of Human Resources to recommend additions, deletions, or modifications to the health and welfare program to the City Manager for review and approval. The City Manager is responsible for presenting health and welfare programs to City Council for consideration during the annual budget process.

City employees should become thoroughly familiar with all aspects of their benefits. The Human Resource Department is responsible for informing new employees of available benefits and may provide information to employees in various plan description booklets.

Employees may elect to cover their legally married spouse, registered domestic partner and his/her children, natural born children, stepchildren, adopted children or children for whom you have legal custody.

### 5.02 Holidays

Full-time City employees are eligible for paid holidays during the fiscal year as approved by the Council. Permanent Part Time employees are eligible for paid holidays after one (1) year of service to the City at a rate equal to the average number of hours worked per day in the previous twelve (12) months.

If the holiday falls on a Saturday, the preceding Friday shall be observed, and if a holiday falls on a Sunday, the following Monday shall be observed. As many employees as possible shall be given each holiday off while providing for the maintenance of essential City functions.

An employee who is terminated for gross misconduct (e.g., positive drugs, theft, destruction of City property, job abandonment etc.) shall be ineligible for payment of accumulated holiday leave. The following holidays may be recognized by the City:

New Year's Day	Martin Luther King Day
President's Day	Texas Independence Day
Good Friday	Memorial Day
Juneteenth	Labor Day
Independence Day	Thanksgiving Day
Veterans Day	The day after Thanksgiving
Christmas Day and Eve	Employee's Birthday

Birthday Leave is available to any full-time employee who has worked six (6) consecutive months or more for the City. Beginning January 1, 2024, birthday leave will be added each year on the employee's work anniversary and must be used within 1 year of the award date or the leave will be forfeited. Birthday leave may not roll over and is not paid out upon separation from employment.

An employee who is on Leave Without Pay will not be paid for the holiday .

### **5.03 Personal Time Off (PTO)**

The City of Angleton recognizes that employees have diverse needs for time off from work and, as such, the City has established this Personal Time Off (PTO) policy. The benefits of PTO are that it promotes a flexible approach to time off by combining vacation and sick leave. Employees are responsible for managing their own PTO hours to allow for adequate reserves if there is a need to cover vacation, illness or disability, appointments, emergencies, or other situations that require time off from work.

PTO may be used to take days off for illness or personal time and may run concurrently with Family Medical Leave.

#### **PTO Accrual**

Full-time employees shall accrue twenty (20) days or one hundred and sixty (160) hours of PTO per year. Full-time employees will receive one additional day for each year of service up to a maximum of an additional fifteen (15) days.

Permanent, part-time employees who work more than twenty (20) hours a week on a regular basis earn PTO at a rate of ten (10) days or eighty (80) hours per year (1/2 the time earned by regular, full-time employees.)

Full-time employees with less than twenty (20) years of service to the City may accrue up to 320 PTO hours. Full-time employees with twenty (20) or more years of service to the City may accrue up to 400 PT hours.

No employee shall continue to accrue PTO beyond the allowable limit. Employees who reach the allowable limit must utilize PTO before additional PTO will be accrued.

The employee's most recent hire date shall be used as the anniversary date for the purpose of calculating PTO accrual. Years of service are based on continuous employment with no break in service.

All non-sick day PTO must be approved in advance by the employee's department-head, director, or supervisor.

No employee may borrow against future PTO.

PTO shall not accrue for any employee who is absent from work due to approved Leave Without Pay or while on leave under the Sick Leave Bank.

#### **PTO During the Introductory Period**

Employees are not eligible to use PTO for vacation purposes during their first six (6) months of employment unless preapproved by the Director/Department Head during the hiring process. Any employee who uses PTO due to illness in the first six (6) months of employment must provide a doctor's note supporting the absence. No employee may borrow against future PTO.

An employee who separates employment from the city during the Introductory Period shall not be paid accrued PTO.

## **Use and Scheduling of PTO**

PTO may be taken in increments of 30 minutes or more. All employees are required to take five (5) consecutive days off per year unless a written request for exclusion is approved by the Department Director. These consecutive days may include 4 workdays and 1 off day for employees on nontraditional 8-hour schedules. Not more than ten (10) consecutive workdays may be taken at one time unless special approval is granted by the Department Director or City Manager. Vacation for newly hired Directors/Department Heads may be taken within the Introductory period if preapproved by the City Manager.

Whenever possible, PTO must be scheduled in advance. PTO is subject to supervisory approval, and department staffing needs. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled PTO absences adversely affects the operations of the department. The employee must provide a statement from a healthcare provider concerning the justification for unscheduled sick leave absences in excess of three consecutive (3) days. If a City holiday falls within a period off, the holiday is not counted as a PTO day.

An employee is required to use PTO hours according to his or her regularly scheduled workday. For example, if an employee works a nine-hour day, he or she would request nine (9) hours of PTO when taking a full day off. PTO is paid at the employee's straight time rate and is not part of any overtime calculation.

An employee who will miss a day or more of work due to illness must contact their direct supervisor via telephone no later than 1 hour before the start of their normal workday begins.

## **Personal Time Off-Council Meetings**

Staff required to attend City Council meetings are allowed personal time off in the amount equal to half the hours required to be at the meeting. This time does not accrue and may not roll over. Time off given from attending council meetings must be used during the same week as the meeting attended, employees may not borrow against anticipated hours earned, and time may not be donated to the Sick Leave Bank.

## **Carrying Over PTO**

Employees with less than twenty (20) years of service may carry over three hundred and twenty (320) hours of PTO annually (refer to *PTO Accrual* above.) Carry over will only occur up to the allowable amount. Employees with 20 or more years of service may carry over four hundred (400) hours of PTO annually (refer to *PTO Accrual* above.)

## **Payment of PTO Upon Termination**

Only those employees who are laid off for economic reasons, or who resign with at least two weeks' advance written notice, and who work the last two weeks of their employment will receive the balance of any unpaid PTO remaining at the time of the work separation up to the employee's annual accrual entitlement. Any exception to this policy will require special approval granted by the City Manager. Paid or unpaid leave time may not be counted toward such a notice period.

The separating employee may not utilize PTO during the final two weeks of employment unless the employee has medical documentation to substantiate the need to be off work.

## **PTO and Retirement**

An employee who submits their notice of retirement may only use accrued PTO through the end of the month in which he/she is scheduled to retire provided the retiree has given two weeks' notice in accordance with the section "*Payment Upon Termination*" in this policy.

#### **5.04 Family and Medical Leave (FMLA)**

This policy is consistent with the Family and Medical Leave Act (FMLA) and enables employees to receive unpaid job-protected leave for up to 12 work weeks for specified family and medical reasons, or 26 weeks of leave to care for an injured or ill service member. In accordance with the FMLA, the City of Angleton will abide by the provisions and the regulations published by the U.S. Department of Labor to implement the Act. A copy of the U.S. Department of Labor poster "Employee Rights and Responsibilities under the Family and Medical Leave Act" is posted on departmental bulletin boards. Employees should contact the Human Resources Director for specific information and questions regarding this policy.

##### **Employee Eligibility**

This policy applies to all employees (full and part-time) who have worked for the City for 12 months (need not be consecutive) and for at least 1,250 hours during the 12-month period preceding the leave. Eligible employees may take up to twelve (12) weeks of unpaid leave per 12-month period for a qualifying event or up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. The employee may take intermittent where applicable and allowed by law or city policy. The City also requires that employees use any available accrued leave prior to being granted unpaid leave. This paid leave satisfies part or all of the 12-week mandated family and medical leave. Workers' Compensation and other accrued leaves will run concurrently with Family Medical Leave. Employees must use Comp Time accruals prior to using PTO accruals when taking FMLA qualifying leave for a family member.

Leave (paid or unpaid) for up to twelve (12) weeks in a 12-month period is available under one or more of the following circumstances, however, the Human Resources Director can assist in determining eligibility and available FMLA leave:

- The employee's own serious health condition that prevents him or her from performing the functions of his or her job. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.
- The birth of a child and to care for the newborn child. This applies to both the mother and the father and includes bonding time during the 12-month period beginning with birth. The expectant mother may take FMLA leave for prenatal care if the pregnancy makes her unable to work prior to the actual birth of the child, or for her own serious health condition following the birth. The city does not allow intermittent leave for the birth or bonding of a baby, adoption or foster placement.
- The placement with the employee of a child for adoption or foster care. This leave must be given before the actual placement or adoption of a child if an absence from work is required in order for the placement for adoption or foster care to proceed. Eligibility expires at the end of the 12-month period from the date of placement.
- The serious health condition of a parent, spouse, and child under age 18, or an adult child who cannot care for him/herself. A "parent" need not be a biological parent provided

that the individual acted as a parent to the employee. Similarly, the “child” need not be a biological child but may be adopted, foster, legal ward, or a child related to the employee whom the employee is raising.

- A qualifying exigency arises out of the fact that your spouse, child, or parent is a military member on covered active duty or called to active-duty status in support of a contingency operation as a member of the Armed Services/National Guard or Reserves.

The City of Angleton uses the rolling 12-month period measured backward from the date an employee uses any FMLA Leave under these circumstances.

Leave (paid or unpaid) for up to 26 weeks in a 12-month period is available under the following circumstance:

- To care for a spouse, son, daughter, parent, or next-of-kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. This type of FMLA leave is known as *military caregiver leave* or covered service member leave.

The City of Angleton uses the rolling 12-month period measured backward for employees on FMLA leave under this circumstance. The FMLA military caregiver leave may only be used once during the employee’s tenure with the City of Angleton.

No loss of seniority will occur while the employee is on an FMLA leave of absence. Group health benefits will be continued on the same basis as coverage provided if the employee has been continuously employed during the leave period. Health benefit premiums, which had been paid by the employee, must continue; if the employee’s premium payment is more than thirty (30) days late, coverage ceases. If coverage lapses because an employee has not made the required premium payments, upon the employee’s return from leave, the employee’s benefits will be restored where legally required without having to meet any qualification requirements.

**Employees are responsible for payment of their coverage premiums and other authorized payroll deductions while they are on a leave of absence without pay.**

After completion of twelve (12) weeks of leave under the Family and Medical Leave Act, or twenty-six (26) weeks of leave if applicable, if an employee is unable to perform the essential duties of their assigned position, reasonable accommodations may be made by the City to provide for the employee to perform such duties. If reasonable accommodation cannot be made and the employee is unable to perform the essential duties of his assigned position, they may be terminated.

An employee shall not perform any outside work, engage in extra-duty employment, attend conferences or training, or vacation at any time when the employee is on leave under FMLA.

### **Reinstatement**

Upon return from a family and medical leave of absence, the employee will be reinstated in the employee’s previous position, if available, or to a comparable position for which the employee is qualified. Employees on leave must notify their supervisor as soon as reasonably practical of availability and intent to return to work. An employee’s failure to return from leave, or failure to contact his/her immediate supervisor or Human Resources on the scheduled date of return, will be considered a voluntary resignation.

If the employee on leave of absence is a key employee; salaried employee, and among the highest paid ten percent of all City employees living within seventy-five miles of the City and keeping the job open for the employee would result in substantial disruption to City operations, reinstatement to the position may be denied. The employee will be given an opportunity to return to work, however in a different job.

### **Spouses Employed by the City**

If both spouses are employed by the City, and each wish to take leave for the birth of a child, adoption or placement of a child for foster care, or to care for a parent (but not parent-in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave.

If both spouses are employed by the City, and each wish to take leave to care for a covered ill or injured service member, the husband and wife may only take a combined total of 26 weeks of leave.

This limitation does not apply to leave for either the husband's or wife's own serious health condition or the serious health condition of a child.

## **5.05 Paid Absences**

The City may provide paid absences for such things as training and development, civic duty, death in immediate family, funerals, personal emergencies, administrative absences, and emergency situations.

### **Training and Development**

The City will grant an employee leave with pay when the employee is away from their job site but is performing a function related to his/her job such as attending a professional conference, convention or training activity, legislative proceedings, or other purposes in the interest of the City. All training must be preapproved by the supervisor/ director.

### **Civic Duty (Voting)**

An employee eligible to vote in a national, state, county, or municipal election shall, when necessary, be allowed sufficient leave with pay to exercise this right. It is the responsibility of the employee to notify the employee's immediate supervisor of the time chosen to vote.

### **Jury Duty**

A full-time employee called for jury service shall be granted special absence with pay during such service; any fee paid by the courts to the employee shall be paid to the City. A copy of the jury summons will be submitted to his/her supervisor and Human Resources who will place the notice in the personnel file.

An employee excused or released from jury duty service during working hours shall report to his/her workstation unless otherwise instructed by their supervisor. A note provided by the court showing the time of jury dismissal will be presented to the supervisor and Human Resources to support the time spent at jury duty.

### **Witness Duty**

An employee will be excused with pay to fulfill his/her civic duty to testify as a witness in a

judicial proceeding where the employee has no personal benefit, when he/she is served with a subpoena. The employee should notify their supervisor as soon as they are served and provide a copy of the subpoena to their supervisor.

### **Bereavement Leave**

An employee may be excused with pay in order to attend a funeral for a member of his/her family. Supervisors may require proof of funeral attendance and relationship to the deceased. Director/Department Heads, after ascertaining the exact circumstances, may grant a full-time employee up to three (3) working days or twenty-four (24) hours of paid emergency leave for the death of an immediate family member. Immediate family members consist of a legal spouse, child/stepchild, parent/stepparent, father or mother in-law, sibling, stepsibling, brother or sister in-law, biological grandparent, grandchild/step grandchild. 1 day of leave shall be granted for the loss of the biological grandparent of the legal spouse of an employee.

Leave time for out-of-state relatives shall be at the discretion of the Director or City Manager.

If multiple deaths occur simultaneously within the family, a special exception to the allowance of three (3) days may be approved by the City Manager.

### **Emergency Situations**

During emergencies, a full-time or permanent part-time (non-seasonal) employee who is ordered not to report to work, to leave work early or who cannot report for work because of inclement weather or disaster may be granted administrative absence with pay by the City Manager.

## **5.06 Religious Accommodation**

The City of Angleton respects the religious beliefs and practices of all employees and will make, on request, accommodation for such observances when reasonable accommodation is available, that does not create an undue hardship on the City's business.

### **Requesting a Religious Accommodation**

An employee whose religious beliefs or practices conflict with his or her job, work schedule, or with the City's policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation must submit a written request for the accommodation to his or her immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

### **Providing Religious Accommodation**

The immediate supervisor shall meet with the Director/Department Head and Human Resources to evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available that is reasonable and that would not create an undue hardship on the City's operations. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code that does not affect safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor may confer with his or her manager and with the human resource director.

The supervisor and employee will meet to discuss the request and decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he or she may appeal to the City Manager following the City's general grievance policy and procedure.

### **5.07 Other Leave and Leave Without Pay (LWOP)**

LWOP is an approved absence from work in a non-pay status for a set period of time. LWOP may be requested for medical conditions requiring leave from the job, religious observances, military leave, and personnel exchange programs which emphasize intergovernmental relations, and any other reason which, in the opinion of the City Manager warrants a leave of absence without pay. A leave of absence may be granted on an incremental basis.

#### **Eligibility**

Regular Full-Time employees who have passed their Introductory Period are eligible for LWOP. Employees in their Introductory Period who require LWOP for medical reasons may receive an exception from the Director of Human Resources or City Manager.

#### **Conditions for LWOP**

An employee requesting LWOP for medical related reasons must provide the Director of Human Resources or City Manager with a written statement from an appropriate medical provider or third party as to the date upon which the employee is no longer able to perform his duties and the expected length of time needed, as well as a written statement from the employee concerning his intentions about returning to work at the City.

The Director of Human Resources or City Manager will consider the reason for the leave, the employee's length of service and performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties when considering a request for LWOP.

The employee's LWOP absence may not present a hardship to the City or disrupt operations of the employee's department.

Employees requiring LWOP for military duty must provide a copy of their official orders to the Director of Human Resources as soon as they are made available to the employee in compliance with Uniformed Services Employment and Reemployment Act (USERRA).

#### **Approval**

The Director of Human Resources and the City Manager will both consider all requests for LWOP, however, only the City Manager may grant a request for LWOP with the exception of military leave under Orders. Approval of the LWOP must be documented, with a copy of documentation placed in the employee's personnel file.

#### **Use of Accrued Leave**

LWOP, whether job-related or not, is not authorized unless all accruals have been exhausted and there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period. Exceptions to the requirement to exhaust accrued leave are

military leave as outlined by USERRA, leave for religious observance, and leave related to City related personnel exchange programs.

### **Revocation of Approved Leave**

LWOP may be revoked upon receipt of evidence that the cause for granting the leave was misrepresented, ceased to exist, or at the discretion of the City Manager. An employee who fails to immediately notify Human Resources in writing of a change in status for which LWOP was approved and granted is considered grounds for disciplinary action.

### **Documentation**

A summary of the basis for the decision to grant or deny LWOP and the terms of the leave must be prepared by the employee's Director/Department Head and provided to the Director of Human Resources with a copy placed in the employee's personnel file.

### **Reporting Requirements**

Except for employees on military leave, an employee on LWOP must contact his Director/Department Head at least once a week (Monday) to report on their off-duty status. Failure to provide required status reports is grounds for revoking leave, and for disciplinary action.

### **Benefits and Accruals**

An employee on leave shall be required to continue to pay the current premium contributions for any elected group health benefit. Once all accrued leave is exhausted and the employee begins leave without pay, unless other arrangements have been made, the City will begin to bill the employee for any portion of benefits premiums that are ordinarily the employee's responsibility. Billing is done monthly with premiums due on the first of the month and past due on the last day of the month. Human Resources shall provide one invoice to the employee at the beginning of the LWOP with the total amount due monthly.

During any LWOP absence, an employee shall not accrue leave, shall not be paid for any city paid holidays that occur while on LWOP, and will not be credited service toward retirement or longevity; employees out under USERRA may be granted time toward longevity.

### **On-Call Employees**

An employee whose position requires them to be on-call shall be removed from on-call and shall not be afforded on-call pay while on Leave Without Pay.

### **Reinstatement**

The City will make every attempt to place an employee returning from Leave Without Pay back in the same position as before the leave. If the need to fill the position should arise due to unforeseen circumstances, or if the job is eliminated due to a reduction in force, the City of Angleton cannot guarantee the reinstatement of an employee on Leave Without Pay except where legally required. Employees off work as a result of military orders may be reinstated to the position they left in compliance with USERRA.

### **Military Leave**

In accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Texas Government Code, employees are eligible for Military Leave; one or both regulations provide employment protection, income protection and a means to secure time off when called to any form of military training and service including duty performed on a voluntary or involuntary basis.

The City of Angleton shall not discriminate in the employment or take any adverse action against any person who exercises rights under the (USERRA). Employment actions under this Act include initial employment, reemployment, retention in employment promotion, or any benefit of employment, for any person who is a member of, applies to perform, or has an obligation to perform service in, a uniformed service.

Employees preparing to take authorized military leave shall furnish their Department Director and Human Resources with copies of military orders or other appropriate certification in a timely manner as outlined under the USERRA.

The City will provide a paid leave of absence to employees who are members of the Armed Forces or a reserve component for authorized training or duty that is ordered by official military authority for not more than fifteen business (15) days in a fiscal year. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., PTO, Comp Time) to cover their absence from work. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on Leave Without Pay unless the employee requests to use accrued leave. This applies to FMLA qualifying exigency and military caregiver leave.

### **Workers' Compensation Leave**

An employee injured or exposed in the line of duty may receive workers' compensation under the terms and conditions prescribed in the applicable programs and as required by law. The State of Texas Workers' Compensation laws provide that an employee who suffers a disability that results in lost duty days due to an injury/exposure while in the course of their employment may be entitled to "Income Benefits".

Disability occurs when the work-related injury or illness causes an employee to lose the ability to earn their pre-injury wage. Disability refers to an employee's inability because of a compensable injury to obtain or retain employment at wages equivalent to the pre-injury wage, not to a physical handicap.

These income benefits are normally calculated at a rate of at least 70% of the employee's weekly income prior to the injury. The worker must be disabled by the injury for more than seven (7) days to be eligible for income benefits. The employee becomes eligible for and begins accruing income benefits on the eighth day of disability. Any payments made in error to the employee will be required to be repaid to the City.

An employee who sustains an injury or illness in the performance of their duties will fully and promptly report, however minor, to his/her supervisor as soon as possible, but no later than the next business day. Employees who suffer work-related injuries or illnesses that require medical attention may be subject to alcohol and controlled substance testing. The Human Resources Department will coordinate with the employee's physician to determine whether the injury would allow an employee to perform modified work or other duties.

Employees who are on leave will update their supervisor and Human Resources at regular intervals of the employee's status. Failure to maintain contact will be viewed as an unwillingness to cooperate and addressed through disciplinary action.

## **Fire Fighter Cancer Presumptive Law**

If the workers' compensation injury meets the criteria for a serious health condition, injury leave will run concurrently with FMLA leave as indicated in, *5.05 Family and Medical Leave Policy*.

The City of Angleton will assist and support any firefighter dealing with cancer, in any way possible regardless of the nature of the illness. Additionally, the Angleton is committed to adhering to Texas Government Code Chapter 607 (Section 607.055) – known as the Firefighter Cancer Presumption Law, which creates a presumption that certain types of cancer are related to the occupation of firefighting. The Texas Department of Insurance Division of Workers' Compensation (DWC) regulates workers' compensation and determines if a firefighter's cancer is eligible for workers' compensation benefits applicable under this statute. If a claim is denied by the DWC, the City of Angleton will make every attempt to assist the firefighter in following the appeal process for workers' compensation or working with the group medical plan provider to ensure the employee receives the appropriate care.

## **Religious Observance**

With the approval of the employee's supervisor, employees desiring to observe religious holidays not coinciding with official City holidays may be given time off to observe the religious holiday of their choice. The employees have the option to use their PTO or accrued Compensatory Time or be placed on Leave Without Pay to observe the religious holiday of their choice.

## **Tardiness**

Non-exempt employees may be docked for time not worked. Disciplinary action up to and including termination may result from excessive tardiness in addition to being docked for time not worked.

## **Return to Work**

With the exception of military leave, if an employee fails to return to work at the time specified in the application for unpaid leave or the return-to-work order by a treating physician under workers'; compensation, and does not provide a reasonable excuse, supporting documentation, and notice to Human Resources, that employee shall be considered to have resigned effective the date of return specified in the original application. Members of the armed forces shall comply with USERRA rules on returning to work.

## **5.08 Revocation of Leave of Absence**

Upon evidence that the cause for the leave of absence has been misrepresented or has ceased to exist, the Director/Department Head may revoke any previously authorized and approved leave of absence.

## **5.09 Unauthorize Absence**

Unauthorized absence or failure to return at the expiration of a leave of absence shall be considered an automatic resignation. The department head may rescind such resignation if the employee shows satisfactory reason for his absence within three (3) days of the date the resignation becomes effective.

## 5.09 Sick Leave Bank

The City of Angleton has created a Sick Leave Bank to which employees may contribute on an annual basis. Employees who have a catastrophic medical condition/ or who have spouse or child with a catastrophic illness may apply for leave benefits from the Bank after all accrued leave has been exhausted. Refer to *Sick Leave Bank Policy HR-07*. Refer to the *Sick Leave Bank Policy* in the city's shared drive.

# CHAPTER 6. CONDUCT & WORKPLACE RULES

## 6.01 Ethical Code of Conduct

### A. Purpose

City employees have the responsibility to conduct themselves in accordance with the highest standards and to embrace the principles of honesty, accountability, respect, and trust. City employees must ensure that their integrity is of the highest caliber and their conduct is indisputable and beyond reproach.

The City's code of ethical conduct has three (3) purposes:

1. Encourage high ethical conduct on the part of City employees.
2. Establish standards for ethical conduct for City employees by defining and prohibiting conduct that is incompatible with the interest of the City; and
3. Require disclosure by City employees of their personal financial interests that may conflict with the interests of the City.

### B. Definitions

**BUSINESS-RELATED ENTERTAINMENT** - Entertainment or any activity generally considered to provide amusement or recreation (including meals) that takes place in a clear business setting or for which the main purpose was the active conduct of business - meaning the business benefit was clearly identified prior to the event and business was engaged in throughout the duration, also requiring the employee and the person providing the benefit to be in close proximity to each other and have easy direct access to each other.

**EMPLOYEE** - a person employed and paid a wage by the City, including those individuals paid on a part-time basis.

**ETHICS** - Relates to moral action, conduct, motive, or character; conforming to professional standards of conduct; the discipline dealing with what is good and bad and with moral duty and obligation; a set of moral principles or values.

**FAMILY MEMBER** – As defined within Section 2.12 Nepotism of this Manual.

**GIFT** - An economic gain or economic advantage to an employee or to a family member of an employee. Anything of value given by a donor for which equal or greater consideration is not returned by or expected from the recipient.

### C. Standards of Conduct

1. Employees shall not:

- a. Contract with the City on any type of personal business.
- b. Tamper with City or official documents.
- c. Accept or solicit for personal financial gain, any benefit that might reasonably tend to influence them to act improperly in the discharge of official duties.
- d. Accept individual gifts of cash, check, or gift cards.
- e. Endorse or recommend any one specific vendor or product to our residents and customers in exchange for any personal benefit or gain.
- f. Accept the following specific items from customers, suppliers, or person(s) with a financial interest in City contracts: money, property, vacation, service, or non-business-related entertainment.
- g. Work directly with contractors to obtain employment or request employment with any contractor.
- h. Use their official positions improperly to secure privileges or exemptions for themselves, their family members, or others. This includes suggesting or otherwise influencing the City to transact business with any entity of which they or their family members are officers, agents, or members or in which they or their family members have a financial interest.
- i. Lie to their supervisor or provide deceitful information.
- j. Use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reasons of their positions.
- k. Accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities within the City, or which might impair their independent judgment in the performance of their public duty.
- l. Receive any fee or compensation for their services as employees of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit their performing the same or other services for a public or private organization that they perform for the City if there is no conflict with their City duties and responsibilities.
- m. Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules, or regulations or the achievement of official City programs.
- n. Personally represent or appear on behalf of the private interest of another before the City Council or any City board or department; or if the represented person's interest is averse to that of the City, represent any person:
  - i. in any quasi-judicial proceeding involving the City; or
  - ii. in any judicial proceeding to which the City is a party.
- o. Communicate directly with the City Council regarding matters that involve City policy, operations, or organization, however, these matters may be brought before City Council by the City Manager, or his/her designee and an employee may request consideration of a matter by submitting the item in writing to his/her supervisor or Director/Department Head who will forward to the City Manager. ~~except for the Director of Human Resources, the City Secretary or the Director of Finance.~~  
*Section 0 has been removed at the direction of the City Council during the meeting held on May 13, 2025.*

2. Provided, nothing in subsection (1) above shall preclude:

- a. Any employee from performing the duties of his or her employment.
- b. Any employee from appearing before the City Council or any City board or department, in a manner consistent with City policies and rules, to discuss any general City policies

- or public issues; or
- c. An employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding.

#### **D. Exceptions**

Individual employees invited to participate in business-related entertainment may accept if the business-related entertainment is valued at no more than \$50 per event. Exceptions may be made by the City Manager and kept on file by the Human Resources Department, as appropriate.

#### **E. Notification of Fraudulent Incident or Practices**

An employee (s) that witnesses, or is made aware of an unethical act, or violation of this policy has a duty to disclose this act or violation to his or her direct supervisor. If the direct supervisor is the employee of suspicion, the employee must report to the next level of the chain of command.

#### **F. Other Ethical Obligations**

Employees must also comply with all ethical obligations which they are required to abide by as members of professional organizations or in connection with a professional license.

### **6.02 Confidentiality**

During the course of employment, employees/volunteers may have access to Confidential Information. Any Confidential Information, whether oral, written, or electronic, should be maintained in a manner that ensures its confidentiality. The release of any such Confidential Information may legally impact the City of Angleton.

Confidential Information must be treated with respect and care by any employee/ volunteer who is authorized to have access to this information. Employees/Volunteers who are authorized to use or disclose Confidential Information also have the responsibility to safeguard access to such information. Employees/Volunteers who are authorized by the City of Angleton to access Confidential Information have a responsibility to limit access to those that are allowed by permission and by law. The access must be appropriate to the employee's job responsibility, and on a need-to-know basis only. A breach is a violation of this policy or state or federal law, or both.

All City Employees will comply with the terms of the *City of Angleton Confidentiality Agreement*. Employees who breach confidentiality will face disciplinary action up to and including termination.

Volunteers who share confidential information will be removed as volunteers and prohibited from volunteering for the City in the future.

#### **Disclosure of Information**

Disclosing information that could adversely affect any City property, business dealing, or any affair of the City, or using information gained while working in the City for the benefit of himself/herself or others at harm to the City, is prohibited. Disclosing information gained through employment for gossip is prohibited. Disclosure of information will result in disciplinary action up to and including termination.

### **6.03 Conflict of Interest**

No employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services except under the following conditions:

- when done on behalf of the City as an employee.
- when it involves an eminent domain action.
- when involving contracts, transactions, or other matters which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons or property similarly situated.

### **6.04 Acceptance of Gifts**

City employees may accept gifts in compliance with Federal and State laws and this policy. The purpose of laws and policies governing gifts to public employees is to regulate attempts to influence the employees to use their authority or discretion to the advantage of the person making the gift.

It is a crime for a public employee to agree to make a decision in return for a payment or receipt of some other benefit. Employees may not accept gifts, favors, services, or promises of future employment that could relate to, or influence the performance of the employee's official duties. Employees may not use their position to gain special privileges or benefits and are to avoid participating financially in any business enterprise, which might influence their official decision and judgment. Employees may not hold any position with any business enterprise or governmental unit, which would conflict with the proper performance of the employee's duties or responsibilities.

Benefit means any economic gain or economic advantage to an officer or employee or to a relative of an officer or employee, but does not include:

- Political contributions made and reported in accordance with law.
- Awards are publicly presented in recognition of public service.
- Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities.
- Commercially reasonable loans made in the ordinary course of the lender's business.
- Complimentary copies of trade publications.
- Reasonable hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity.
- Any economic gain or economic advantage conferred by any one person or organization if the economic value totals less than \$50.00 per calendar year.

The City Manager may accept gifts to the City, on behalf of the City, for general employee consumption, or donate the gifts to appropriate organizations, and issue acknowledgements on behalf of the City.

### ***Substantial Interest in Business Entity***

A member of the City's governing body or another City officer, whether elected, appointed, paid or unpaid, shall disclose their interest in a business entity as required and described as "substantial interest" in Chapter 171 of the Local Government Code.

A person has a substantial interest in a business entity if:

- the person owns 10 percent or more of the voting stock or shares of the business entity, or owns either 10 percent or more, or \$15,000 or more of the fair market value of the business entity.
- funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.
- A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

A local public official is considered to have a substantial interest if a person related to the official in the first degree of consanguinity or affinity, as determined under Chapter 573 of the Government Code, has a substantial interest.

## **6.05 Solicitation**

Solicitation is defined as any act or attempt to advertise, market, take orders, and offer to sell any product or service, or seek contributions for organizations, campaigns, or charitable purposes. Solicitations, including personal e-mail addresses, are not permitted by employees for personal profit during working time or at any time in working areas. An employee may not engage in solicitation of other employees while they are on duty. Solicitation shall not be permitted of or by

City employees during work or business hours, other than for the following exceptions:

- Solicitation of funds shall be permitted for local, not-for-profit youth-sponsored events (i.e., school, band boosters, scouting). Solicitation of funds for these purposes shall be limited to placing order forms or products for employees to view at their leisure or posted to a break room bulletin board.

For these types of solicitations use of City email or equipment to send mass or unsolicited communications, use of city equipment such as copiers and printers or use of city supplies regarding these activities is prohibited.

No employee is required to make any contribution, nor will an employee be penalized in any way in connection with his/her employment according to his/her response to a solicitation of funds for City sponsored functions or events.

Salespersons and vendors attempting to conduct unsolicited business with employees should make an appointment with the Human Resources Department. Human Resources may provide for the distribution of discount flyers or handouts for all employees.

## **6.06 Political Activity**

It is the policy of the City to encourage its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities. Although the City encourages active participation in electoral activities, employees should be aware of certain provisions which apply

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

- City employees shall not use their positions for or against any candidate for public office in any jurisdiction.
- City employees shall not use working hours or City property to solicit or attain any subscription, contribution, or political service, or to circulate any petition or campaign literature on behalf of any candidate for public office.
- City employees shall not engage in any political activity, with or without remuneration, which would constitute a conflict of interest with their City employment.
- All employees will refrain, while in uniform or on duty, from using their influence publicly and directly in any way for, or against, any candidate for elective office.

No employee of the City will be required to participate in any City election on behalf of any candidate for City office, nor shall any City equipment be used by or on behalf of any political candidate.

### **6.07 Whistleblower Act**

The City's policy is to comply with the Texas Whistleblower Act, and accordingly the City prohibits suspending, terminating, or taking other adverse personnel action against a City employee because he or she has in good faith, reported a violation of the law by the City or one or more of its employees to an appropriate law enforcement authority. Employees are required to promptly report any violation of this policy to the City Manager or Director of Human Resources under the City's complaint policy.

### **6.08 Social Media**

All official use by the City of social media sites or services is considered an extension of the City's information and communications networks. All City use of social media must be approved by the City Manager or his designee and be in compliance with all applicable policies and procedures. The City Manager or the official designated spokesperson may have responsibility over various aspects of the City's official web, or related City web pages and social media outlets.

Use of social media must comply with applicable federal and state law, City ordinances, regulations, and policies, as well as proper business etiquette. This includes adherence to established laws and policies regarding copyright, records retention, and release of public information, the First Amendment, privacy laws and information security policies established by the City. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents, or online services necessary to conduct business with the City.

In accordance with Texas Government Code Chapter 620 (S.B. 1893) the City prohibits the installation or use of TikTok or any successor application or any other social media application specified by the Texas Department of Information Resources and Department of Public Safety on any city owned or leased electronic device. This policy is subject to certain exceptions for the Angleton Police Department or for information security purposes.

Employees using social media for City business purposes or in representing the City via the City's

social media outlets must always conduct themselves as representatives of the City of Angleton and in accordance with the City's values. The City reserves the right to remove any messages or postings for any reason, including those that are disrespectful, distasteful, obscene, or in violation of copyright, trademark right, or other intellectual property right of any third party.

For the purpose of this policy, social media consists of various online technology tools that enable people to communicate via the Internet to share information and resources including text, audio, video, images, podcasts, and other multimedia communications and may include but is not limited to: event posting, texting, photo-sharing, wall postings, video sharing, blogging, Facebook, Tik Tok, microblogging, Twitter, LinkedIn, YouTube, Instagram, Snapchat, and similar platforms.

In online social networks, the lines between public and private, and personal and professional may be blurred. When a City employee self-identifies as a City employee, he/she is creating a perception about the City. For this reason, content posted online relating to City business, in representing the City or in which the City is identified, must be consistent with the City's values and professional standards and not contain discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct. Further, employees may not use social media at any time to divulge confidential or private information learned through working at the City whether such information concerns other employees, citizens, City officials, or City business. Violations of this policy may lead to disciplinary action up to and including termination.

### **Employee Social Media Sites and Social Networking**

All City employees may have personal social networking and social media sites as well as access to the World Wide Web. These sites should remain personal in nature and be used to share personal opinions or non-work-related information. Following this principle helps ensure a distinction between sharing personal and City views. City employees must never use their City e-mail account or password in conjunction with personal social networking or social media site. The following guidance is for City employees who decide to have a personal social media or social networking site or who decide to comment on posts about official City business:

- State your name and, if relevant, role, when discussing City business.
- Use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions of the City for which I work."

The City understands that social media, the World Wide Web, and social networking sites can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world; however, the use of these sites also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social networking, the World Wide Web, and social media, we have established these guidelines for appropriate use.

### **Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own, or someone else's, weblog or blog, journal or diary, personal website, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

The principles and guidelines found in this policy apply to your activities online. The City respects your First Amendment rights; ultimately, you are solely responsible for what you post online.

Before creating online content, consider some of the risks and rewards involved. Keep in mind that any conduct adversely affecting your job performance, the performance of fellow employees or that otherwise adversely affects members of the public, customers, suppliers, people who work on behalf of the City may result in disciplinary action up to and including termination.

Know and follow the rules. Carefully read these guidelines, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful. Always be fair and courteous to fellow employees. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, which disparage members of the public, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment based on race, sex, disability, religion, or any other status protected by law or company policy.

Be honest and accurate. Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors you know to be false about the City.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City, fellow employees, residents, contractors, or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City."

Personal or business venture social media account names shall not be tied to the City. For example, City of Angleton Fireman would not be an appropriate personal account name.

### **Using Social Media at Work**

Refrain from using social media while on work time or on equipment provided by the City unless it is work-related as authorized by your supervisor/ director or consistent with the City's Equipment Policy. Do not use your City email addresses to register on social networks, blogs, or other online tools utilized for personal use.

An employee who uses any form of social media or the internet to post the city's confidential information or to post unfavorable comments about city officials, supervisors or co-workers when those comments constitute a form of discrimination or harassment or result in disruption of city business or harm to the city's reputation will be disciplined up to and including termination of employment. Such conduct is prohibited whether or not the posting is made by use of city equipment and whether or not the posting is made during work hours. This prohibition is not intended to prevent an employee from discussing the wages, hours, and working conditions of

employment with co-workers.

### **Retaliation is Prohibited**

The City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **Media Contacts**

The City Manager is designated as Public Information Officer and is authorized to serve as liaison to media representatives. A Communications Team may be created and authorized to disseminate information as directed by the City Manager. Members of the City police department may communicate with the media in the event of disaster, threats to public safety, or other circumstances requiring immediate and specific communications to protect citizens. Other employees are not authorized to make statements on behalf of the City, unless directed to do so by the City Manager, or the responsible department manager in response to specific inquiries, and if so authorized, such responses should provide only routine factual information relating to the employee's duties. Even under a supervisor's direction, no employee, unless he or she is an authorized liaison, should address the media on behalf of the City concerning litigation, legal opinions, or City personnel matters. If an employee receives a media inquiry, the employee should respond that he or she must relay the request to a supervisor and that he or she does not have the authority to respond on behalf of the City to that type of inquiry. An employee must report any media inquiry received and a response provided to the City Manager.

### **6.09 Cell Phone Use**

The City recognizes that many employees have cell phones, also known as wireless communication devices, that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones at work, including those with a camera, must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a coworker's ability to do their jobs. Employees who use cell phones to violate City policy, including all the City's anti-harassment and discrimination policies, will be subject to disciplinary action, up to and including termination. An employee who has been provided a cell phone by the City must surrender the assigned cell phone upon separation of employment from the City or upon request by the employee's supervisor or department director.

Employees who use their personal cell phone for city related business may be required to surrender their cell phone as a result of a Public Information Request under subpoena. In addition, both personal cell phones and city issued cell phones are subject to the Texas Government Code, Public Information Act, as amended. The Public Information Act can also apply to information on a privately owned device of a current or former governmental body employee or official. The City secretary may seek to obtain public information from a temporary custodian. The Government Code defines "temporary custodian" as a current or former governmental employee or official who maintains public information that has not been provided to a governmental body's officer for public information or the officer's agent.

Use of cell phones or wireless communication devices while operating motor vehicles or equipment is prohibited as outlined by the Texas Transportation Code and City ordinance as amended.

## **6.10 Video and Tape Recording**

To assure the reasonable expectation of privacy in casual, business, or personal conversations, no employee, may audio or videotape meetings or conversations of any employee, official, or visitor on City owned property or occupied buildings, unless the person(s) involved grant permission, with the exception of Police Officers in the line of an official investigation or other provisions of State or Federal law.

## **6.11 Sexual Harassment-Free Work Environment Policy**

The City of Angleton prohibits sexual harassment of its employees by management, supervisors, co-workers, elected officials, volunteers, citizens, and other third parties. Sexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, illegal, and will not be tolerated.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Prohibited conduct includes but is not limited to unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex; unwanted physical behavior such as pats, squeezes; visual harassment such as posting of sexually suggestive or derogatory pictures, cartoons, drawings or electronic messages, even at one's work station; unwanted sexual advances, pressure for sexual favors or basing employment decisions (such as an employee's performance evaluations, work assignments, or advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

Supervisors are accountable and have an obligation to ensure that their employees are afforded the opportunity to work in an environment that is free from sexually discriminatory insults, ridicule, intimidation, or other types of harassment.

The condoning of a hostile workplace by a supervisor is not conducive to the spirit and intent of the City's commitment to ensuring fair and equal treatment of employees.

Any employee who is aware of any instances of sexual harassment shall report the alleged act immediately. If the employee is uncomfortable in discussing the matter with the supervisor or if the supervisor is not available, the employee shall report the alleged act immediately to the Human Resources Director. Supervisors and managers who receive a sexual harassment complaint shall immediately contact the Director of Human Resources.

The City does not tolerate sexual harassment, nor does it tolerate reprisals against an employee who makes a sexual harassment complaint. All complaints will be investigated promptly, impartially, and discreetly and, upon completion of the investigation, the appropriate parties will be notified immediately of the findings. Any supervisor, manager, director, or other employee who violates this policy is subject to disciplinary action, up to and including termination.

Appropriate action will be taken with outside parties who are in violation of this policy. Any supervisor who receives a complaint of sexual harassment and fails to report or take corrective action pursuant to this policy is also subject to disciplinary action. All employees are responsible for reporting incidences of sexual harassment. Any employee who refuses to cooperate in the investigation, or who files a complaint of sexual harassment in bad faith, will be subject to disciplinary action up to and including termination.

Retaliation, in any form, against an employee for reporting a complaint in good faith under this policy, or for assisting in the investigation of such a complaint, is prohibited.

We trust that the employees will act responsibly to maintain a pleasant working environment, free of discrimination, allowing each employee to perform to his/her maximum potential. The City encourages any employee to bring questions he/she may have regarding discrimination of this type to the Human Resources Director for guidance and clarification.

## **6.12 Concealed Handguns**

For the purpose of this section, weapons shall have the same meaning as those set out in Section 46.01, Definitions, Texas Penal Code, as amended.

Pursuant to Chapter 52, Section 52.061 of the Texas Labor Code, Subchapter G. Restrictions on prohibiting employee transportation or storage of certain firearms or ammunition. Any employee who holds a license to carry a handgun, or who otherwise lawfully possesses a firearm, may possess a permitted weapon in a locked privately owned motor vehicle in the parking lots of City-owned property in accordance with State Law.

In order to store a firearm in a privately owned motor vehicle, the employee must hold a license to carry (LTC) in accordance with Chapter 411 of the Texas Government Code or otherwise lawfully possess the firearm.

All employees, except those who are required to carry a weapon in the scope of performing their job duties, are prohibited from carrying any weapon into any City-owned facility or building or in any City-owned vehicle or equipment, unless specifically authorized by the City Manager. This provision does not apply to City of Angleton certified peace officers. Prohibited weapons include firearms, clubs, explosive devices, illegal knives, or any other item that is specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death.

Under no circumstances is an employee, other than a law enforcement officer, allowed to carry a handgun or firearm into the City's municipal court or during polling in any city facility.

Except in cases of gross negligence, the City shall not be liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition or the use of the firearm or ammunition that the City is required to allow on the City's property under Texas Labor Code Ch. 52 Subchapter G.

Violation of this policy may result in disciplinary action, up to and including termination.

## **6.13 Smoke-Free Workplace**

The use of all tobacco products is always prohibited on all City property, including city recreational facilities unless used in designated areas, and at least fifteen feet from a door or other individuals,

and only during regularly scheduled breaks and lunch. All tobacco waste will be properly disposed of by the employee and no waste will be disposed of on the ground. Use of tobacco products is prohibited at all other times during the workday, and all city owned or leased vehicles, or while operating city equipment. Tobacco products include but are not limited to any products or preparation containing tobacco, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, smokeless tobacco, and vaping of any kind.

#### **6.14 Dress Code and Personal Appearance**

Employees must dress appropriately and professionally and present a clean and neat appearance while at work, and while representing the City or conducting City business. Dress in a manner that (i) creates public confidence in the competence of the City and its employees and (ii) is appropriate for the type of services being provided by the employee, consistent with the expectation of customers served, and in keeping with professional practices.

Directors/Department Heads may implement supplemental dress code requirements for their department(s) based on operational needs or regulatory requirements. Supplemental dress codes that do not include uniforms must be approved by the City Manager. Professional business attire or a uniform may be required for meetings or special events. Uniforms will be provided to employees depending upon their department assignment.

The Police and Fire Departments may be covered under departmental policies regarding appropriate dress and appearance.

The following are inappropriate for work attire:

- provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics.
- tank tops, sleeveless tops, beach style flip flops.
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind.
- wrinkled, ripped, and tattered clothing.
- visible tattoos which could be deemed offensive.
- nose piercings or rings, eyebrow piercings or similar type facial jewelry except for a recognized religion; and
- Employees will not wear clothing with the City's insignia to purchase or consume alcohol or gamble.

Employees should direct questions about appropriate appearance or dress to their Supervisor, Director/Department Head, or Human Resources. Director/Department Heads and supervisors are responsible for enforcing this rule in their respective departments in order to maintain acceptable dress and appearance. Employees in violation of this rule may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this rule may be disciplined, up to and including termination of employment.

#### **6.15 Secondary or Outside Employment**

Employees of the Police Department shall refer to Police Internal Policies regarding outside

employment.

City employees shall understand that their position with the City is their primary occupation, and it shall always take precedence over all secondary jobs. City employees may engage in secondary employment provided they receive prior written approval on the *City of Angleton Outside Employment Request* form from their Director/Department Head. An employee who is working another job at the time of hire, and who intends to continue the other employment, must so advise the appropriate Director/Department Head, and receive written approval to continue the secondary employment. Approval must be placed in the employee's personnel file in Human Resources.

When engaged in secondary employment, the employee must notify the Director/Department Head in writing on the *City of Angleton Outside Employment Request* form of the place and type of employment or business, and the hours of work. Secondary employment shall not be permitted if it will bring the City into disrepute, reflect discredit upon the employee as an employee of the City, or interfere/conflict with the performance of the employee's City duties. Secondary employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If secondary employment causes or contributes to job-related problems, it must be discontinued, and if necessary, disciplinary procedures will be followed to address the specific problems.

An employee whose position requires him to occupy an "on-call" status shall recognize such status as an obligation to the City and shall fulfill that obligation if called to work for the City during these hours even while working at a secondary job.

An employee shall not perform any secondary employment at any time when the employee is on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence, on restricted or light duty, or on probation. Any violation of this provision may result in discipline.

The employee will not utilize any city supplies, vehicles, computers, phones, or property for secondary employment. Law enforcement personnel may receive some exception to this rule with approval from the Chief of Police or City Manager.

## **6.16 Searches**

The City may conduct inspections or searches of City property at any time without prior notice to the employee. The City may search City property regardless of whether the property is used exclusively by the employee, is secured, unsecured or secured by a lock or locking device provided by the employee or the City.

The City may also conduct inspections or searches of an employee's personal property brought onto City property, if a supervisor has reasonable suspicion to believe that the employee's property is being used in violation of any City policy or state or federal law.

An employee who interferes with a search or fails to cooperate in allowing a search conducted under this policy, including giving access to City property as directed, is subject to discipline, including possible termination.

## **6.17 Alcohol and Drug-Free Workplace**

All employees of the City have a right to work in a drug and alcohol-free work environment. All drug and alcohol use on city property is prohibited. All drug and alcohol use during hours of employment is prohibited. In order to protect the safety of all employees and act in the best interest of the City, the Director of Human Resources shall outline specific policies and procedures to accomplish this purpose. The City will not tolerate employees at work while under the influence of alcohol or illegal drugs or prescription medications taken outside the prescribed order of the physician. Employees shall report to their Director/Department Head and/or HR when they are using prescription medication that may cause drowsiness, sleepiness or other safety related precautions as notated on the prescription information.

Rules and regulations regarding screening and testing are set forth in the Appendix A in this manual, and in addition to Appendix A, the City of Angleton Alcohol and Controlled Substance Use and Testing Policy Number HR-13, and all other drug & alcohol policies, as amended are available for review in the office of the Human Resources Director. This policy, and all Appendixes incorporate the requirements and procedures set forth by federal regulations 49 CFR part 40, 655, and the "Drug Free Workplace Act", as amended.

## **CHAPTER 7. DISCIPLINE AND APPEALS**

### **7.01 Grounds for Disciplinary Action**

All City employees are public servants and shall always conduct themselves professionally and courteously both during work hours and while wearing any article of clothing or accessory that identifies them with the City, or while attending any City function or City sponsored function.

The grounds for disciplinary action are generally set out in Chapter 6 of this manual, and in addition as follows.

Any conduct of an employee, whether or not that individual is on duty, which has the impact or potential impact of any of the following, may result in discipline up to and including termination of employment:

- Creating conflict or discord in the workplace.
- Workplace bullying
- Interfering with the individual's own work or that of another employee.
- Creating a harassing, demeaning, or hostile work environment at the City.
- Harming the goodwill or reputation of the City with its citizens or with the community at large.
- Disclosing confidential information of the City or of another when the information was obtained by virtue of employment with the City.

Employee "conduct" includes verbal communications, internet, or electronic communication of any kind, and physical behavior.

The City Manager or designee may take disciplinary action against an employee for just cause.

Just cause shall be related to the job involved and shall include but not be limited to illegal, unethical, abusive, or unsafe acts; violation of City rules, regulations, policies, or procedures; insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; abuse of sick leave, injury leave, disability leave, or other benefits; tardiness or absence without leave; falsification of official documents or records; using or a presence in the system of illegal drugs or under the influence of intoxicating beverages while on duty; waste, damage, or unauthorized use of city property or supplies; unauthorized use or disclosure of official information; unauthorized or improper use of official authority; failure to respond to or cooperate with a city investigation; unauthorized use of city credit cards.

It is recognized that it may occasionally be necessary to terminate an employee without progressing through lesser disciplinary levels due to the severity of the circumstances.

Due to the severe nature of events that can occur in the workplace, the supervisor, manager, or director may have a need to immediately clear the worksite. He/She may send an employee home effective immediately on a suspension with pay if doing so would be in the best interest of employee safety or in order to restore a professional work environment. Management should tell the employee what time to report back to work for further discussion of the incident and secure a phone number where he/she can be reached before sending him/her home.

## **7.02 Progressive Types of Discipline**

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy while working for the City. Directors/Department Heads shall organize and direct the work of their departments to achieve these objectives.

If the work habits, production, or personal conduct of an employee fall below appropriate standards, supervisors should address the deficiencies at the time they are observed. Counseling and warning the employee, if there is sufficient time for improvement, should ordinarily precede formal disciplinary action. Where appropriate, the City maintains a practice of progressive discipline.

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

Nothing herein shall prohibit the administration of informal disciplinary action, such as oral reprimands, for just cause. Supervisors should meet privately with employees to discuss performance or behavioral problems when they first arise.

Human Resources must be advised of and consulted prior to suspension or termination of an employee.

The steps are outlined but not limited to the following and documented on the City of Angleton Employee Discipline Form.

1. **Verbal Warning/Counseling.** (This should be documented by the supervisor, director, or department-head after the verbal warning with a copy sent to Human Resources to be

placed in the employee's personnel file.) Best suited to the first occurrence of a minor rule infraction, incident of substandard performance, or after continued issues of a minor infraction following a reprimand.

2. **Written Reprimand.** All written reprimands shall be documented on the designated City form and may include additional pages, as necessary. The employee shall review the written reprimand and shall be requested to sign the document. If the employee refuses to sign the document, the supervisor, director, or department-head shall notate the reprimand as such and send a final copy to Human Resources where the copy shall be placed in the employee's personnel file. The employee must be provided with a copy of the written reprimand. A written reprimand is used as a formal warning of suspension or dismissal should the violation recur. An explanation of the incident, details, expectations, and consequences for future problems should be included. The written reprimand shall describe the deficiency or infraction involved, reference the policy violated where applicable, and may state the likely consequences of further unsatisfactory performance or conduct.
3. **Suspension.** Days off without pay can be made by the supervisor after approval by the Director/Department Head and the Director of Human Resources. Used to bring about a change in behavior, and length of time for the suspension is determined by the Director/Department Head and Human Resources Director and should reflect the seriousness of the circumstances.
4. Administrative leave may be with or without pay during an investigation, hearing, or trial of the employee in any civil matter, on any criminal charge, or for any City policy violation when it is in the best interest of the City.
5. **Termination.** A Department Head/ Director, upon approval by the City Manager, may terminate an employee in accordance with these policies. The events that lead to termination shall be documented on the designated City form and may include additional pages, as necessary. The original shall be sent to Human Resources to place in the employee's personnel file.

Nothing herein shall prevent immediate formal action up to and including termination, as provided elsewhere in the Personnel Policies, whenever the interest of the City requires.

All written notices of disciplinary action should be signed by the Director/Department Head, or supervisor and the employee. The notice should include a description of the employee's conduct to include the applicable policy, action taken in response and, except in cases of dismissal, and the likely consequences of further unsatisfactory conduct. All original written notices and documentation of disciplinary actions are to be forwarded to the Human Resources Department for inclusion in the employee's personnel file. The City Manager will make the final decision regarding the termination of an employee. In compliance with the City Charter, only City Council may terminate the employment of a Department Director. The City Manager shall have the authority as administrative and executive officer of the City to hire an impartial third-party investigator for the purpose of investigating complaints, criminal behavior, citizen complaints, or violation of City policies and procedures involving the Chief of Police or a Director/Department Head.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases or other beneficial personnel action. The employee shall have the opportunity to appeal only those disciplinary actions that result in suspension, involuntary termination or other loss of employment status, benefits, or compensation.

Appeals of adverse disciplinary actions are referenced in Chapter 7 of this manual.

### **7.03 Appeal of Disciplinary Action & Grievance Procedure**

An employee who is terminated, demoted, or suspended without pay may appeal that decision as follows:

**Step 1.** Within ten (10) working days, the appealing employee shall submit a written request for appeal to the Department Director who will have five (5) working days to respond to the employee in writing with a copy to the Director of Human Resources.

**Step 2.** If a satisfactory decision is not reached in Step 1, the employee may deliver an appeal in writing to the Director of Human Resources within two (2) working days after the employee is notified of the Director's decision. The Director of Human Resources shall have ten (10) working days thereafter to respond to the appeal. The response will be in writing to the employee with a copy to the City Manager.

**Step 3.** If a satisfactory decision is not reached in Step 2, the employee may deliver an appeal in writing to the City Manager within five (5) days of receipt of the decision of the Director of Human Resources. The City Manager shall have fifteen (15) working days from the receipt of the appeal to respond to the employee's appeal.

The decision of the City Manager shall be the final authority to the disciplinary appeal process and will be provided in writing to the employee within fifteen (15) working days from the receipt of the appeal to the City Manager. A copy of the written decision to the affected employee will be retained in the official personnel file. Introductory employees refer to *Chapter 2, Probation*.

If an employee fails to appeal an adverse disciplinary action within the time limits specified, fails to follow guidelines or procedures promulgated by this policy, fails to cooperate in the scheduling or preparation of the appeal meeting or fails to appear at any scheduled meetings, the employee's appeal is considered void. The disciplinary action shall be final and non-appealable.

Actions which are not appealable under this process are:

- Verbal and written reprimands
- Voluntary demotions
- Positive drug or alcohol test results
- Disciplinary actions taken against temporary/seasonal employees.

#### **Employee Grievance Guidelines**

1. The purpose of this procedure shall be to settle matters on as low an administrative level as possible, as soon as possible after the applicable event, and to discover, whenever possible, mutually satisfactory solutions to problems which arise. The procedures set forth herein are distinct from the grievance procedures set forth in this manual in Sec. 1.07 and 6.11 (discrimination and harassment).
2. **Grievance Defined:** an allegation that an employee's employment conditions, or protected rights have been adversely affected. Example grievances, if unresolved within the department management include (but not limited to)

- a. hours of work/schedule
  - b. procedures
  - c. daily operations
  - d. department specific rules
  - e. performance evaluations
  - f. discriminatory application of a policy or rule
  - g. general treatment that rises to the level of a hostile work environment
  - h. disagreements among employees that have not been resolved within the department
  - i. disciplinary actions taken (including termination)
  - j. discrimination or harassment based upon a protected right
  - k. retaliation for participation in an investigation or filing a grievance
3. Temporary or employees in the introductory period may not use this procedure in cases involving their performance evaluation or termination.

### **Employee Grievance Procedure**

The following procedures will be followed in the event an employee elects to present a grievance except for employees of the City of Angleton Police Department who shall follow the grievance procedures outlined in the City of Angleton Police Department Directives.

**Procedural Step One. Timely initiation** is important. In order to be considered, grievances will be filed promptly after the situation occurs. Grievances must be presented to the employee's immediate supervisor within ten (10) working days after the occurrence and will be documented and become a part of the grievance record.

Oral grievances should be initially presented to the employee's immediate supervisor. If a resolution does not occur, the employee has the option to file a formal written grievance as outlined below.

**Procedural Step Two.** If verbal discussions do not resolve the matter, the employee has the option to file a formal written grievance with the employee's department director using the city form HR-28 found on the shared drive. This must be done within ten (10) working days after the discussion with the immediate supervisor.

Though employees are encouraged to make a written report, the employee has the option to report the violation of protected rights verbally. Every effort will be made to work with the employee to prepare a written summary of the concerns if he/she has not already prepared a written report.

The Human Resources Director shall meet with the employee and the employee's immediate supervisor, the Director/Department Head, and any other member of management necessary to discuss the matter thoroughly. The decision of the Human Resources Director will be presented in writing to the employee within ten (10) working days of receipt of the signed and dated grievance.

**Procedural Step Three. Final Resolution.** If the employee is not satisfied with the resolution of the matter related to a grievance, he/she has five (5) working days to file further appeal to the City Manager.

Alternatively, the City Manager may simply review the initial complaint, related documentation, and discuss the matter with others as needed and make the final determination. This determination may include a decision that the grievance is baseless.

If the City Manager feels it is prudent, he/she may elect to meet with the employee filing the grievance. A request for an appeal does not automatically result in a meeting with the City Manager. At any stage, the City Manager may review the decision of Directors, request more information, speak with parties involved, or issue another appropriate decision that brings the matter to a close. The decision of the City Manager shall be the final authority to the disciplinary appeal process and will be provided in writing to the employee within fifteen (15) working days from the receipt of the appeal to the City Manager.

### **Attendees at Grievance Meetings**

City employees and any other person(s) directly involved with a grievance are the only person(s) authorized to be present at grievance related meetings. Should a City employee retain legal counsel, legal counsel may attend as may the Angleton City Attorney.

Documentation related to grievances shall be maintained in the Human Resources Director's files and retained in accordance with required records retention of such investigations. Should a complaint or grievance result in disciplinary action of any employee, the disciplinary memo will be filed in the employee's personnel file. If the Director of Human Resources determines that an employee is abusing the grievance procedure, he/she will provide the grievant with written notice of the finding and the basis for the finding and shall take appropriate action.

### **Additional Provisions:**

1. Grievances against directors. If an employee's immediate supervisor is the director and he/she is the subject of a complaint or grievance, the employee should submit the complaint directly to the Human Resources Director and City Manager.
2. Failure to Follow Procedures. Failure of an employee to follow the procedures set out above, or failure to appear at meeting(s) related to the grievance, shall result in the loss of further appeal rights by the employee.
3. Time Limits. Time limits specified in this procedure may be lengthened if necessary due to holidays, vacations, sick leave, or other similar reasonable delays.
4. The Human Resources Director shall make appropriate adjustments if needed for unusual circumstances.
5. Failure to Answer Grievance. If a grievance is not answered within the time limits as specified, the employee may proceed to the next step in the process.
6. Effect of Procedure. The existence of and access to this procedure shall not constitute any limitation on the rights of the City of Angleton to manage its affairs. All employees hold their positions at the will and pleasure of the City.

**Reprisal or Retaliation.** An employee will not be retaliated against or experience any form of reprisal or discipline for exercising his/her good faith efforts under this policy. If the employee believes he/she is retaliated against during or as a result of this process, he/she will report this to the Human Resources Department or the City Manager immediately.

## **CHAPTER 8. SEPARATION FROM EMPLOYMENT**

### **8.01 Separation Processing**

All employees who separate from the City will be required to return records, property and other instruments belonging to the City before the last day of employment in addition to completing any required separation paperwork.

Human Resources may extend an invitation to each separating employee for an exit interview. If accepted, an appropriate interview schedule will be established. The exit interview is used to determine and document the reasons employees leave the City and to solicit constructive feedback to improve effectiveness and efficiency of City operations.

Only employees who separate in good standing as set out in this manual are eligible to have their PTO paid out. All PTO due under this policy shall be included in the employee's final pay unless documented otherwise through a contract or severance agreement.

### **8.02 Resignation**

An employee who resigns with at least two weeks' advance written notice, and who works the last two weeks of their employment will receive the balance of any unpaid PTO remaining at the time of the work separation up to the employee's annual accrual entitlement. Any exception to this policy will require approval by the City Manager. Paid or unpaid leave time may not be counted toward such a notice period.

The separating employee may not utilize PTO during the final two weeks of employment unless the employee has medical documentation to substantiate the need to be off work.

Resignations not in good standing shall preclude the employee from being paid their accrued Personal Time Off (PTO).

### **8.03 Reduction in Force (Layoffs)**

It is the City of Angleton's policy that a Reduction in Force (RIF) is to be considered as a last resort, to be used only after other alternatives to meeting a financial crisis have been considered. Prior to initiating a reduction in force, the City will give consideration to less drastic alternatives, such as, but not limited to, wage and hiring freezes, early retirement programs, salary reductions, transfers to new positions within the City and shifts from full time to part-time work as methods to solve the financial crisis. The order of layoff shall be determined by multiple factors to include the current operating needs of the City, employee's knowledge, skills, abilities, performance patterns, disciplinary history, and compliance with the City's policies. When possible, employees will be given fourteen calendar days' notice.

### **8.04 Incapacity**

An employee may be separated for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position or can no longer perform the essential functions of the job with or without an accommodation in accordance with the Americans with Disabilities Act Amendments Act (ADAAA). A finding of incapacity shall be made through an individual medical determination by a competent authority as determined by the Director of Human

Resources.

Separation for incapacity shall not be considered as disciplinary action and shall not operate to deny an employee the use of any accrued PTO or other benefits.

### **8.05 Job Abandonment**

An employee who is unable to report to work at the designated time is required to notify his or her supervisor. Employees who fail to report to work without notifying their supervisor of an absence, and without just cause as determined by the Human Resources Director, will be considered absent without leave, and are subject to disciplinary action up to and including termination. An employee absent from work without notice for three (3) consecutive workdays is considered to have abandoned their job; employees absent from work without notice on a Friday and the following Monday are considered to have abandoned their job. If a Notice of Termination cannot be provided in-person to the employee, the Notice shall be sent via certified mail to the employee's last known home address in these circumstances.

### **8.06 Retirement**

The City of Angleton participates in the Texas Municipal Retirement System (TMRS). Upon hire, all full-time employees become a member of TMRS. The vesting period is five (5) years.

Six percent (6%) of an employee's gross salary is automatically deducted from the paycheck and credited by TMRS to their individual TMRS account. The City matches employee contributions 2:1.

If at separation, an employee is not vested in TMRS, the employee may either choose to:

1. Leave the money in the retirement system for up to five years, or
2. Withdraw the employee's contributions plus interest in a lump sum, less appropriate taxes, or
3. Roll the employee's contributions plus interest into a qualified retirement plan.

If at separation, an employee is vested in TMRS, the employee may either choose to:

1. Leave the employee's contributions plus interest in TMRS and receive a pension when qualified,
2. Withdraw the employee's contributions plus interest in a lump sum, less appropriate taxes, or
3. Roll the employee's contributions plus interest into a qualified retirement plan.

### **Retirement Options**

An employee is eligible for retirement from TMRS if one of the following qualifications is met:

1. Five (5) years of service and at least 60 years old; or
2. Twenty (20) years of service, as defined by TMRS.

## 8.07 Termination

The City may terminate an employee as a result of unsatisfactory performance or conduct, violation of City policy, or for any reason and at any time, with or without notice.

An employee who is terminated will not be paid out their accrued PTO.

## 8.08 Death

If an employee dies while employed with the City, the beneficiary or estate will be paid all appropriate earned pay and payable benefits. This process will be coordinated by the Human Resources Department with assistance from the Finance Department and the City Attorney as deemed necessary.

# CHAPTER 9. REINSTATEMENT

## 9.01 Return from Military Leave

In general, if the employee has been absent from a position of civilian employment by reason of service in the uniformed services, he or she will be eligible for reemployment under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) by meeting the following criteria:

- The City had advance notice of the employee's service.
- The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with the City.
- The employee returns to work in a timely manner as defined under USERRA; and,
- The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Providing that the service member meets all criteria, the City of Angleton must provide the following:

- Prompt job reinstatement
- Accumulation of seniority, including pension plan benefits
- Reinstatement of health insurance
- Training / retraining of job skills, including reasonable accommodations for a disability
- Protection against discrimination

To be eligible for protection under USERRA, the service member must report back to work or apply for reemployment within the following guidelines:

*1-30 days of service* .....Report next scheduled workday  
*31-180 days of service*.....Apply within 14 days after completion of service  
*181+ days of service*.....Apply within 90 days after completion of service

An employee reinstated following military leave shall be treated the same as an employee returning from leave of absence without pay and be entitled to the same benefits. Restoration of

seniority and benefits shall be in compliance with State and Federal laws.

## **9.02 Rehire**

An employee who resigns from the City in good standing may be considered at any time for rehire if a position is available. The employee must remain qualified and be able to perform the essential functions of the job with or without accommodation. A drug and alcohol test shall be required of all rehires. The rehire must be in the best interest of the City and must be approved by the City Manager. Rehire is at the sole discretion of the City.

**Rehire when laid off.** Providing an employee was laid off and accepts the first offer of rehire with the City, they will be reinstated with full-service credit up to the time of layoff for purposes of longevity pay and PTO accrual benefits. The accrual amount will be based on the new position for which rehired. Retirement benefits are managed at reinstatement in accordance with the policies of the Texas Municipal Retirement System (TMRS) regardless of rehire provisions above. Group health or other benefit eligibilities will be based on the re-employment date.

**Other Rehires.** Providing an employee left in good standing and rehires within ninety (90) days of separation, they will retain the same level of seniority for purposes of accruing PTO benefits. The accrual amount will be based on the new position for which rehired. Employees rehired after (90) days of separation will not maintain seniority for purposes of accruing PTO benefits. Retirement benefits are managed at reinstatement in accordance with the policies of the Texas Municipal Retirement System (TMRS) regardless of rehire provisions above. Group health or other benefit eligibilities will be based on the re-employment date.

# **Chapter 10. SAFETY**

## **10.01 Safety Standards**

All employees of the City are required to comply with safety standards and guidelines established by the City and their respective departments, and the guidelines herein.

## **10.02 Accidents**

Any employee who has life threatening injury shall immediately call 9-1-1 for transport to the nearest medical facility.

Any employee involved in an accident during the employee's working hours which involves a City vehicle, or a personal vehicle used for City business, or City equipment, facilities, or property, shall immediately report it to their immediate supervisor (within 24-hours) who will report to the scene of the accident, if feasible.

When a motor vehicle is involved, the City of Angleton Police Department or the law enforcement department in the jurisdiction where the accident occurred shall be called to complete an official police report. The supervisor or the employee involved shall obtain the police report number before leaving the scene. If safe to do so, photos of all involved vehicles should be taken regardless of the severity of damage.

After the scene has been cleared by police, the supervisor shall take the employee to the City

designated medical facility for drug and alcohol testing. Drug and alcohol testing will be conducted in the following instances:

- The operator is a CDL holder regardless of the level of damage or fault.
- The operator or a third party was injured.
- Damage to City property is more than \$1,000, except for a CDL holder.
- The operator appears under the influence.
- The scene resulted in a fatality.
- A citation was issued to the City employee.

The supervisor and involved employee will provide a completed *City of Angleton Report of Damage or Loss* form to their Department Director within 24 hours. The Director/Department Head will then immediately notify Human Resources.

Any employee who refuses screening for the presence of drugs or alcohol will be subject to immediate termination.

An employee who fails to report an accident will be disciplined up to an including termination.

Employees who have more than one motor vehicle accident while operating a City vehicle in a 12-month window may be required to complete a driver safety course at their own expense before being allowed to operate a motor vehicle or motor driven equipment.

### **10.03 Injuries and illnesses on the job**

Any employee who has life threatening injury shall immediately call 9-1-1 for transport to the nearest medical facility.

An employee who has been injured on-the-job and does not have life threatening injury shall immediately notify their supervisor. The supervisor shall report to the accident/incident scene if possible and transport the employee for non-emergency medical treatment or post-accident/incident testing.

The supervisor shall ensure the *First Report of Injury* is completed with all details of the incident, including names and contact information of witnesses, and send the completed form within 24 hours to Human Resources for handling.

Failure to immediately report an injury may be the cause for loss of medical or income benefits.

Citizens injured on city property or those wishing to make claims against the city must complete the Citizen Claim Form and return the complete form the Human Resources; staff shall notify Human Resources of such incident along with a statement of events if known.

### **10.04 Modified Duty**

The City's return to work Modified Duty Program is based on the belief that it is the best interest of both the employee and the City for an employee to return back to work in some capacity following an on or off the job illness, injury, or medical condition. Modified duty is not intended to be used as a disability program. On this basis, Directors/Department Heads and Supervisors are

instructed to work with Human Resources (HR) to identify possible modified duty assignments (MDA). Attempts will first be made to provide an MDA in the Department in which the employee currently works. If placement in the employee's department is not possible, the Human Resources Department will attempt to place the individual in another department, based on physical ability, skills, and available assignments.

### **Definitions**

- A. **Modified Duty Assignment (MDA)** – A temporary job assignment not lasting more than 6 months that adheres to the employee's restrictions as prescribed by the employee's treating healthcare physician.
- B. **Maximum Medical Improvement (MMI)** - When an injured employee reaches a state where his or her condition cannot be improved any further or when a treatment plateau in a person's healing process is reached.

### **Policy**

An MDA is limited to regular full-time employees who have sustained an injury, illness, or medical condition. If an employee is unable to work at full duty capacity in their current position due to an injury, illness, or medical condition, but is able to work in some capacity, they may be eligible for the Modified Duty Program. In these cases, employees may be assigned to modified duty positions in their department or another department pending return to their previous employment position, if such modified duty is available and if judged by the attending physician to be within the abilities of the employee. MDAs may not be appropriate for all employees; they will be made on a case-by-case basis where appropriate, and for the benefit of the City and the employee. MDAs will be reevaluated based on the City's needs every 30 days.

No MDA will be assigned unless a health care professional work status is provided to HR. Work duties will be assigned in accordance with the employee's limitations, knowledge, skills, and abilities, and the needs of the City.

A Modified Duty Assignment shall not last longer than six (6) months.

### **Responsibilities of Employees on Modified Duty**

An employee on an MDA will be required to continue to present progress reports to their supervisor after each doctor's visit that states the employee's progress and the expected date to return to full duty.

An employee's participation in the Modified Duty Program may be suspended or terminated for the following reasons:

1. The treating health care professional temporarily prohibits the injured employee from continuing with an MDA.
2. There is no longer an assignment available with the City which can be performed by the injured employee, given their restrictions.
3. The treating health care professional indicates that the injured employee has reached Maximum Medical Improvement or cannot return to their prior position with or without reasonable accommodation, in any reasonably foreseeable timeframe.
4. An injured employee has been on an MDA for more than six (6) months, which is the maximum time allowed.

5. The employee fails to comply with City or departmental policies and procedures.
6. If the employee fails to perform the assigned tasks, the employee will be removed and may be subject to disciplinary action up to and including termination of employment.
7. The employee fails to comply with the terms and conditions of the Modified Duty Program or fails to meet acceptable work standards and performance levels of the assigned position.
8. The City cannot make reasonable accommodations that meet the restrictions as outlined by the health care professional.
9. The health care professional releases the employee to full-time, regular duty without restrictions.
10. If work assignments conflict with restrictions.

The employee participating in the Modified Duty Program will discuss with the supervisor the hours to be worked, **not to exceed a 40-hour workweek**. A person on Modified Duty **may not** Flex their work hours.

The employee will be required to wear appropriate dress for the MDA. The determination of appropriate dress will be left to the discretion of the employee's assigned supervisor and in the case of Police and Fire personnel, the department's supervisor, or the Chief's approval.

When possible, the employee shall attempt to schedule medical treatment or physical therapy appointments in an effort to minimize the interference with the employee's work schedule. It is the employee's responsibility to promptly return to work after modified duty medical treatments or physical therapy appointments scheduled during normal work hours or notify the modified duty supervisor if unable to do so following each appointment with a health care professional.

### **Director/Department Head and Supervisor Responsibilities in Regard to Modified Duty**

1. It will be the responsibility of the employee's Director/Department Head/Supervisor to assign an employee to modified duty in the employee's regular Department whenever possible. If modified duty is not available within the employee's Department, HR will survey other departments for a suitable MDA if available. Workers' compensation MDAs will be given precedence.
2. It is the responsibility of the Director/Department Head/Supervisor that receives an employee in the Modified Duty Program to:
  - Supervise the work of the employee so that the performance standards of the assigned position are met.
  - Notify Human Resources (HR) if the employee fails to meet the performance standards of the position.
  - Notify HR of any physical compliance rules or restrictions not adhered to by the employee.

### **Human Resources Responsibilities in Regard to Modified Duty**

1. HR shall coordinate all modified duty assignments (MDAs) with the Department where the employee is placed. The employee shall report to HR for all administrative matters related to their relationship with the City.

2. HR will provide employees with a written bona fide offer of a temporary job assignment once a request of modified duty is received. Employees have (3) days from the date of the offer to accept or deny the offer. After (3) days HR will automatically deny the request.

## Procedures

In accordance, the following modified duty procedures are established:

1. **Supervision.** Actual supervision of the employee shall be performed by the Department in which the employee is placed with supervision being coordinated with HR.
2. **Assignments.** Whenever possible, HR will assign employees to modified duty positions within the Department of that employee's assignment immediately preceding his or her injury. If no modified duty assignment is available within that Department, HR will attempt to find other modified duty work for the employee. The duties of the modified duty position shall, where possible, relate to the duties of the employee's position for which he or she was hired. Modified duty work should be necessary, constructive, rehabilitative, and supportive of the City's overall operations.
3. **Time Limitations.** It is the purpose of the MDA to allow an employee to perform constructive and productive labor while continuing to recuperate from an illness, injury, or medical condition. MDAs shall not be of a permanent nature and shall be evaluated every 30 days for continued need. Progress toward returning to an employee's prior duties shall be regularly monitored and periodically evaluated, however in no instance will the employee be allowed to remain on modified duty for a period of over 180 cumulative calendar days (six (6) months) from the date of the doctor's first release to modified duty.
4. **Hours of Work.** Most MDAs are typically from 7:30 a.m. to 5:30 p.m., Monday through Thursday/Friday (a 9-day, 80-hour two-week period); however, depending on the City and Department needs, other work hours may apply. Employees should also recognize that some modified duty jobs will require working evenings, weekends, and holidays.
5. **Vacation, Holiday, and Sick Leave.** The provisions of the City's Employee Manual relating to vacation, holiday and sick leave shall apply to employees on modified duty.
6. **Evaluations.** Employees assigned to modified duty positions will not be evaluated until such time as they return to the position for which they were otherwise employed and have performed a sufficient length of time in that position to be evaluated.
7. **Probationary Employees.** The probationary period of employees assigned to modified duty shall be extended for an additional period equivalent to the period of time that the employee is absent from work due to the illness or injury and such additional period of time the employee is assigned to a modified duty position.
8. **Change in Assignments.** All assignment changes for modified duty personnel shall be coordinated through and approved by HR. The division for which the employee worked at the time of injury shall be responsible for paying the employee's salary during the modified duty period.
9. **Requests for Modified Duty Personnel.** All City Departments/Divisions shall report to HR the need of that Department for modified duty personnel. HR shall be responsible for assigning priority to filling such positions, and when the employee is not placed within the employee's own Department the employee will be placed in accordance with priority.
10. **Seniority.** The time that an employee spends while on modified duty assignments shall count toward that employee's seniority with the City and within the Department for which the employee was working at the time of the work-related illness or injury.
11. **Termination.** Leaves of absence for any reason including work-related injuries may not last longer than six (6) months without some reasonable accommodation. As per Chapter

143 of the Texas Local Government Code, Classified Police employees who sustain an on-the-job injury may have fully paid leave for up to one (1) year.

### **10.05 Fitness for Duty and Health/Medical Examinations**

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.

The Human Resources Department may require an employee to undergo an examination by a City approved physician, to determine fitness for continued employment as may be necessary in order for the City to provide a reasonable accommodation following an injury or accident, and as otherwise permitted in accordance with the Americans with Disabilities Act Amendments Act (ADAAA).

Whenever an employee has been away from work for more than three (3) consecutive days due to a physical or mental condition, the employee is required to provide the Human Resources Department with a doctor's statement that he or she is fit to return to duty without restrictions or listing any restrictions.

### **10.06 Weapons Control**

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

It is unlawful for any person to possess a long gun, rifle, shotgun, or automatic weapon in any city building. Notices shall be posted on all city buildings. See Section 6.12 of this Policy regarding concealed handguns.

Employees properly licensed in accordance with Chapter 411 of the Texas Government Code may

- Carry a concealed handgun in compliance with all applicable state and federal laws, on city premises while acting within the scope of the employee's duties; or
- Possess a handgun concealed in a locked and secured compartment or container, as approved by the City Manager.

A city employee who is not a peace officer, who holds a valid Texas license in compliance with Texas Government Code Ch. 411, is prohibited from openly carrying a handgun on city premises while acting within the scope of the employee's duties.

City retains the right to search for firearms or other weapons on City property.

### **10.07 Threats of Violence**

The City has a Zero Tolerance regarding harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's

employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

### **City's Response to Threats or Acts of Violence**

The City will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the Human Resources Department, and where applicable, the City's Police Department or other appropriate law enforcement agency. The Human Resources Department will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence and will work with the appropriate Department Director(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and /or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City's choosing, initiate criminal prosecution of the person or persons involved, or other actions as determined by the City to be appropriate under the circumstances.

No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

### **Mandatory Reporting**

Each City employee must immediately notify his/her supervisor, Department Director, the Human Resources Department and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City- controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Human Resources Department.

### **Protective Orders**

Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Human Resources Department and the City's Police Department a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Human Resources Department of any protective or restraining order issued against them.

### **Confidentiality**

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

**City Property**

For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

**Documentation** - When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Department or the Police Department.

**Policy Violations** - Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

**Appendix A. Drug & Alcohol Policy and Substance Abuse**

In Addition to Appendix A, the City of Angleton Alcohol and Controlled Substance Use and Texting Policy Number HR-13, and all other drug & alcohol policies, as amended are available in the office of the Human Resources Director.

Any employee with a prescription for THC or CBD must notify Human Resources.

## **Illegal and Legal Drugs, and CBD Oil (Cannabidiol)**

You may not report to work while under the influence of illegal drugs or legal drugs used in an illegal manner. You may not report to work while under the influence of marijuana, which can affect your performance and place others in jeopardy. **This includes the use of “Cannabidiol” or CBD products.** Employees in safety-sensitive positions subject to drug testing under Title 49 of the U.S. Department of Transportation drug testing regulations may not use marijuana at all, including Cannabidiol/CBD products. You may also not report to work while taking any legally prescribed or over-the-counter medication that may adversely affect your performance of safety-sensitive functions.

The City will administer the following types of alcohol or drug screening programs:

- Pre-employment screening for safety or security sensitive positions (must be completed within 48-hours of job offer)
- Reasonable Suspicion testing- When an employee is suspected of being under the influence.
- Post incident/accident testing must be done immediately after injury, exposure or death or damage in excess of \$1,000.
- Random testing for safety sensitive positions or if there is a reasonable suspicion to believe an employee is using drugs.

The City considers consumption of or being under the influence of drugs or alcohol while on duty just cause for disciplinary action, up to and including termination. The City also considers a positive drug or alcohol screen indicating illegal drugs or alcohol in the body to be just cause for immediate termination. The City does not have the responsibility to prove impairment. Reasonable suspicion of drug use is a decision a supervisor or director makes based on objective factors such as appearance or actions of an employee.

## **Alcohol and Drug Use, Abuse, Testing and Rehabilitation**

In all cases, the City’s objective is to prohibit the use of all prohibited substances and illegal drugs including marijuana and **Cannabidiol/CBD products** in the workplace in order to provide a workplace that is safe for not only the City employees, but also the general public. The City’s policy is to maintain a drug-free workplace, prohibiting the unlawful manufacture, distribution, dispensing, possession, sale, purchase, use, or presence of illegal drugs, alcoholic beverages, or drug paraphernalia in the workplace, during working hours, or in a city vehicle.

It is the policy of the Angleton to:

- Maintain a safe, drug-free, and alcohol-free work environment for its employees, conducive to effective city government operations, and to make a good faith effort to comply with the Federal Drug-Free Workplace Act of 1988, as amended, the United States Department of Transportation (DOT) 49 CFR PART 40 and the Federal Motor Carrier Safety Administration (FMCSA).
- Prohibit the manufacture, distribution, dispensation, possession, sale, or use of controlled or illegal substance drugs or intoxicants by employees at any time on-or off duty.

- Ensure that while on duty for or acting on behalf of the City, while wearing a City uniform or in a City owned, leased or personal vehicle, while on City premises, that employees will not be impaired by alcohol, intoxicants, or have controlled or illegal substances present in their systems not prescribed by a licensed physician.
- Prohibit the purchase of alcoholic beverages while in City vehicle or uniform (while on or off duty).
- Require employees taking prescription medications that would impair their ability to operate vehicles, machinery, or equipment in a safe manner, to inform their Supervisor of the potential danger. Follow the Omnibus Transportation Employee Testing Act of 1991 requiring employees holding a Commercial Driver's License (CDL) to be tested for use of controlled substances and misuse of alcohol. All employees who are required to have a CDL are subject to the controlled substance and alcohol testing rules set forth by the U.S. Department of Transportation. The Human Resources Department maintains a list of positions requiring a CDL.
- Require employees to submit to a drug and alcohol test (i) post-accident where property damage is \$1,000 or more; (ii) all at fault Motor Vehicle Accidents, if fault cannot be assessed, testing is required; (iii) when reasonable suspicion exists as defined in this section; (iv) random testing for all safety sensitive positions, and (v) all work related injuries requiring medical attention. Employees who maintain a CDL will test for random, post-accident and reasonable suspicion under the U.S. Department of Transportation regulations.
- To test an employee that drives commercial vehicles, holds a CDL, and who is covered by the U.S. Department of Transportation Regulations.
- To test a CDL holder under this policy as a non-DOT Reasonable Suspicion drug and alcohol screen if the situation allows it. This non-DOT drug screen would be processed as a 10-panel instant and 10-panel lab-based drug screen.

## APPENDIX B. New Health Insurance Marketplace Coverage Options and Your Health Coverage



Form Approved  
OMB No. 1210-0149  
(expires 5-31-2020)

### PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: The Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment based health coverage offered

by your employer.

### What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

### Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that does not meet certain standards. The savings on your premium that you are eligible for depends on your household income.

### Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.<sup>1</sup>

**Note:** If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution –as well as your employee contribution to employer-offered coverage– is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

### How Can I Get More Information?

For more information about your coverage offered by your employer, please check your summary plan description or contact Colleen Martin, Director of Human Resources 979-849-4364 x2132

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit [HealthCare.gov](http://HealthCare.gov) for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

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<sup>1</sup> An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

## PART B: Information About Health Coverage Offered by Your Employer

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

3. Employer name City of Angleton Texas		4. Employer Identification Number (EIN) 74-6000047	
5. Employer address 121 South Velasco Street		6. Employer phone number 979-849-4364	
7. City Angleton	8. State Texas	9. ZIP code 77515	
10. Who can we contact about employee health coverage at this job? Colleen Martin, Director of Human Resources			
11. Phone number (if different from above) 979-849-4364 x2132		12. Email address cmartin@angleton.tx.us	

Here is some basic information about health coverage offered by this employer:

- As your employer, we offer a health plan to:

All employees. Eligible employees are:

Some employees. Eligible employees are:

Employee who are permanent full time and permanent part time employees who work 30 hours or more on average during the measurement period between January 1 and December 31

- With respect to dependents:

We do offer coverage. Eligible dependents are:

A legally recognized spouse, children including step, foster and adopted, children who are dependents as a result of a court order.

We do not offer coverage.

- If checked, this coverage meets the minimum value standard, and the cost of this coverage to you is intended to be affordable, based on employee wages.

\*\* Even if your employer intends your coverage to be affordable, you may still be eligible for a premium discount through the Marketplace. The Marketplace will use your household income, along with other factors, to determine whether you may be eligible for a premium discount. If, for example, your wages vary from week to week (perhaps you are an hourly employee or you work on a commission basis), if you are newly employed mid-year, or if you have other income losses, you may still qualify for a premium discount.

If you decide to shop for coverage in the Marketplace, [HealthCare.gov](https://www.healthcare.gov) will guide you through the process. Here's the employer information you'll enter when you visit [HealthCare.gov](https://www.healthcare.gov) to find out if you can get a tax credit to lower your monthly premiums.

The information below corresponds to the Marketplace Employer Coverage Tool. Completing this section is optional for employers, but will help ensure employees understand their coverage choices.

**13. Is the employee currently eligible for coverage offered by this employer, or will the employee be eligible in the next 3 months?**

- Yes** (Continue)  
13a. If the employee is not eligible today, including as a result of a waiting or probationary period, when is the employee eligible for coverage? On the first of the month following 30 days of employment (Continue)  
 **No** (STOP and return this form to employee)

**14. Does the employer offer a health plan that meets the minimum value standard\*?**

- Yes (Go to question 15)  No (STOP and return form to employee)

**15. For the lowest-cost plan that meets the minimum value standard\* offered only to the employee** (don't include family plans): If the employer has wellness programs, provide the premium that the employee would pay if he/ she received the maximum discount for any tobacco cessation programs, and didn't receive any other discounts based on wellness programs.

- a. How much would the employee have to pay in premiums for this plan? \$ 0.00  
b. How often?  Weekly  Every 2 weeks  Twice a month  Monthly  Quarterly  Yearly

If the plan year will end soon and you know that the health plans offered will change, go to question 16. If you don't know, STOP and return form to employee.

**16. What change will the employer make for the new plan year?** None

- Employer won't offer health coverage  
 Employer will start offering health coverage to employees or change the premium for the lowest-cost plan available only to the employee that meets the minimum value standard.\* (Premium should reflect the discount for wellness programs. See question 15.)  
a. How much would the employee have to pay in premiums for this plan? \$ \_\_\_\_\_  
b. How often?  Weekly  Every 2 weeks  Twice a month  Monthly  Quarterly  Yearly

An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs (Section 36B(c)(2)(C)(ii) of the Internal Revenue Code of 1986)

## **Appendix C Tuition Reimbursement/Agreement**

### **Policy**

The City of Angleton is committed to fostering a cost-effective program for employee training and development that 1) encourages skill development, upward mobility, and knowledge enhancement and 2) meets the City's business objectives.

Accordingly, the City will provide reasonable funding and related support for employee training and professional development, in accordance with identified organizational needs.

All training and development initiatives shall be job-related and/or related to a City career field and undertaken in a manner that ensures fair and equitable among all employees.

### **Tuition Assistance**

To encourage personal and professional development, the City of Angleton may provide tuition assistance to full-time employees.

The availability of tuition assistance is subject to City Council approved funding levels. Tuition assistance levels will be established annually as part of the budget process based upon anticipated participation and available funding. Tuition assistance selection will be decided by a Department Director/ Head.

To be eligible for consideration of tuition assistance, an individual must be a full-time employee and have completed one (1) year of service with the City prior to application approval. In cases where an employee is currently under a designated Performance Improvement Plan (PIP) or on probation for a disciplinary matter or for performance improvement issues, the employee will not be eligible for tuition assistance. To retain eligibility for assistance, an employee must remain an active full-time employee in good standing from the time of application to the time the course is complete.

Courses offered by accredited colleges, universities, business institutes or trade schools are eligible for tuition assistance if they are:

- a. required by a degree plan which is related to a City career field, or
- b. required by a business institute or trade school which is related to a City career Field.

The institution must be accredited by an appropriate accrediting agency.

A course or educational program will be defined as a class on instruction taught at or by an accredited college, university or trade school that meets on a regular basis over an extended period.

Seminars and conferences will not be eligible for tuition assistance. Non-credit continuing

education courses or courses containing the same or similar information as received in previous courses (repeat courses) are eligible for tuition assistance.

Any license or certification that is required by the City/State will be covered by Training Funds within each department.

### **Educational Degree Plan Approval Process**

Only those full-time employees with an approved degree plan will be considered for tuition assistance. In order to be eligible, full-time employees must provide the Director/Department Head and Human Resource with evidence of an approved degree plan (or comparable documentation) in a course area intended to broaden their knowledge of their current position, or to prepare them for possible assumption of new job responsibilities within the City. The approved degree plan will be kept in the employee's personnel file in Human Resources.

Any changes to a degree plan must be submitted and approved prior to registration.

An employee will be eligible for tuition assistance for only one associate degree and one undergraduate degree. A master's degree must be specifically applicable to City advancement and must be approved by the City manager.

A completed ***Application for Tuition Reimbursement/Agreement*** form must be submitted to your Director/Department Head within forty-five (45) calendar days prior to scheduled course registration.

An employee must take all courses for which assistance is received on the employee's own time. If a class is only available during an employee's normal work hours, the employee may request a flexible schedule from the employee's Director/Department Head. When there is a conflict between classes and the employee's job responsibilities, the job responsibility must come first.

Should a question arise about whether a request meets the requirement of this policy, e.g., whether the school is properly accredited; or administration of this policy, the employee should contact Director/Department Head.

### **Assistance Reimbursement Procedures**

The full-time employee will pay all educational costs. At the end of the semester, the full-time employee will submit payment receipts and original grade slips to Human Resources. All receipts are due within thirty (30) days of the end of the school term.

The costs of the courses, educational programs, and book fees, which will be reviewed by the employee's Director/Department Head and Human Resources, shall be eligible for assistance reimbursement. The City will reimburse an employee up to \$1,000 for each successfully completed class with a cap of \$5,000 annual (fiscal year) assistance.

Tuition assistance reimbursement will be paid only once for each approved course. The City

will not pay tuition assistance for courses for which tuition assistance has already been received.

Assistance reimbursement will be provided when a grade of “C” or above is achieved in college undergraduate courses, and a “B” or above in college graduate courses. Original official grade slips and transcripts are the only acceptable documentation of course completion for college earned credit courses. Copies will be made by Human Resources, and original grade slips and transcripts will be returned.

Employees requesting tuition assistance will be asked to sign a **Tuition Reimbursement/Agreement** form. The terms of the agreement stipulate that employees who terminate from the City within 12 months after completing a course, for which assistance was received, will pay back 100% of the assistance received during the 12-month period. Employees who terminate within 13 to 24 months after completing a course will pay back 50% of all assistance received during that period.

As a recipient of **“Tuition Assistance”**, the employee authorizes the City to deduct the balance owed for **“Tuition Assistance”** from his/her paycheck or any other final payments due to the employee. The employee understands that if sufficient funds are not available to satisfy the **“Tuition Assistance”** owed to the City, the employee will pay the balance owed to the City by cash or money order within thirty (30) days of the date of the final paycheck.

If an employee resigns or is terminated, except for a reduction in force, prior to course completion, the City shall not be obligated to reimburse any part of the expense. Employees terminated due to a reduction in force shall not be requested to reimburse tuition monies.

If an employee is injured on the job or while on military active duty and has to involuntarily leave employment (including a disability retirement with TMRS due to injury or illness) during the time frames outlined above, a waiver would be given for any tuition assistance the employee would otherwise be obligated to pay.

**FORM** The following form is used to administer this policy and can be found at the End of this section and is on the City’s internet site:

Form # 1 – Application for Tuition Reimbursement/Agreement

**APPLICATION FOR TUITION REIMBURSEMENT**

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Department: \_\_\_\_\_ Position: \_\_\_\_\_

Name of course(s) to be taken: \_\_\_\_\_

Name of school or agency where course is to be taken: \_\_\_\_\_

Semester Dates: \_\_\_\_\_ Approximate Cost: \_\_\_\_\_

**NO TUITION REIMBURSEMENT WILL BE APPROVED UNLESS ALL GRADE REPORTS FOR PRIOR CLASSES HAVE BEEN SUBMITTED.**

**This application must be submitted to the employee’s Director/  
Department Director prior to registration for course work.**

**TUITION REIMBURSEMENT AGREEMENT**

I hereby agree that should I be reimbursed for the tuition paid for the above stated courses of training and I voluntarily leave the full-time employment of the City of Angleton within a period of twenty-four (24) months after completing courses, I will refund the City of Angleton the full amount of the above stated tuition reimbursement, or I will allow the City to deduct such amount from my final paycheck.

\_\_\_\_\_  
Employee (Applicant)

APPROVED:

\_\_\_\_\_  
Director/ Department Director

\_\_\_\_\_  
City Manager