



Human Resources Policies & Procedures

Effective March 9, 2020





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AFFIRMATIVE ACTION

The City of Edinburg has established an internal documentation and auditing system that is designed to establish compliance with the requirements set forth under Executive Order 11246.

This policy is to establish and communicate responsibility and procedures for the development and implementation of Affirmative Action Programs within the City. It also is to establish reasonable and attainable goals for recruiting, hiring, placing, promoting, training, and compensating minorities, females, Vietnam Era veterans and the disabled.

This policy applies to all employees of the City.

Employment Information Requirements

Information to be recorded and audited on a calendar year basis includes:

- Applicant flow by race, sex, recruitment source, disposition, and action taken;
- Hires, rehires, and reinstatements by race and sex;
- Promotion by race and sex;
- Voluntary and involuntary termination by race and sex;
- Promotion/job bid awards by race and sex; and
- Transfer requests and awards by race and sex.

Responsibility for Implementation

The City of Edinburg recognizes that the ultimate success of this Affirmative Action Program is largely dependent upon clearly defined areas of responsibility for implementation as well as the total commitment of all levels of management and all employees to achieving its goals.

Individual participation is essential to achieving our stated goals. Certain management and supervisory employees are hereby assigned specific responsibility for ensuring that this Affirmative Action Program is implemented.

Management Responsibilities

The Human Resources Director along with the Department Director shall be responsible for implementing the Affirmative Action Program. Responsibilities include:

- Providing leadership, direction, and a positive approach for compliance with the City's Affirmative Action Program.
- Assisting in the identification and solutions of the problem areas.
- Ensuring that the Affirmative Action Program is effectively communicated and executed.

EEO Coordinator

The Human Resources Director shall be responsible as the Equal Employment Opportunity Coordinator for administering this program. These responsibilities include:

- Communicating and monitoring compliance
- Assisting in the identification and development of solutions as problem areas are identified.
- Conducting periodic audits of personnel practices to ensure that all applicants and employees receive equal consideration regarding all aspects of employment and compensation without regard to race, religion, sex, national origin, age, veteran or disabled status.
- Monitoring recruiting to ensure that the Equal Employment Opportunity tag line is included.
- Monitoring job vacancies to ensure that all vacancies are posted and properly awarded.
- Ensuring that current Federal labor Law and EEO posters are properly displayed.
- Scheduling meetings with Department Heads and other Supervisory personnel no less than semi-annually and advising them of the progress towards achieving the City's goals and objectives.
- Annually updating the Affirmative Action Program regarding achievements and results.
- Personally investigating all complaints concerning equal employment opportunities and reporting to the City Attorney and City Manager for determination and action.

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Edinburg prohibits unlawful discrimination against, and requires reasonable accommodation of, employees and applicants with disabilities as defined by the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1974.

To ensure compliance with the Americans with Disabilities Act (ADA), and to ensure that no qualified person with a disability is discriminated against based on such disability, the City offers equal employment opportunity to qualified individuals and strictly prohibits the discrimination against qualified individuals on the basis of disability. The Director of Human Resources is responsible for coordinating the City's efforts to comply with and carry out its employment-related responsibilities under the ADA. Any questions/concerns should be addressed to:

Director of Human Resources
City of Edinburg
P.O. Box 1079
Edinburg, Texas 78540-1079
(956) 388-1873, – Office Telephone

ADA REQUIREMENTS

The City of Edinburg will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical and/or mental impairments, unless it would cause an undue hardship to the City or other City employees.

Employees who have a complaint involving potential violations of the ADA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the City's Sexual and Other Unlawful Harassment Policy.

DEFINITIONS

Individual with a Disability – For purposes of this policy only, an individual with a disability is a person with a non-temporary physical or mental impairment that substantially impairs one or more major life activities, such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working, or is a person who has a record of having or is regarded as having such impairment.

Employment Opportunities – Includes job application procedures, hiring, termination, promotion, compensation, benefits, training, and other terms, conditions and privileges of employment. For purposes of this policy, this also includes recruitment, advertising, seniority, layoff, leave benefits and other employment related activities.

Qualified Individual with a Disability – An individual with a disability who otherwise meets legitimate skill, experience, education or other requirements of an employment position that he/she holds or seeks and who can perform the essential functions of the position with or without reasonable accommodation(s).

Reasonable Accommodation – Any modification or adjustment to a job or work environment that enables a qualified individual to perform essential job functions without inflicting undue hardship on the employer.

Direct Threat – A significant risk to the health or safety of others that cannot be eliminated or reduced by reasonable accommodation(s).

Undue Hardship – The point at which a reasonable accommodation would require significant difficulty or expense, or substantially lower quality or quantity standards.

PROCEDURE

If an applicant or an employee who is a qualified individual with a disability requests a reasonable accommodation in order to perform the essential functions of the job, then follow these procedures:

1. Analyze the job to determine the main purpose and essential functions.
2. Consult with the applicant or employee to assess the limitation imposed by the disability and how those limitations could be overcome with reasonable accommodations.
3. Ask the individual what can be done to assist with the tasks and to identify potential accommodations; then assess the effectiveness each would have in enabling the person to perform the essential functions of the job.
4. The Department Director should then contact the Human Resources Director to discuss and identify any job barriers and potential reasonable accommodations that can be made to eliminate those barriers.
5. The City of Edinburg will make reasonable accommodations required under the Act.

An employee or applicant who believes he/she has been denied a reasonable accommodation or has been subjected to any form of unlawful discrimination should immediately report the incident, preferably in writing, to his/her Supervisor, Department Director, or Human Resources Director. A thorough investigation will be conducted and the employee or applicant will receive a response to all complaints.

ATTENDANCE AND ABSENCES

The City of Edinburg requires that employees are to report to work on time on their scheduled workdays.

PURPOSE

The City of Edinburg will implement an acceptable standard for attendance that takes into consideration the City's need to run its operations with as little disruption as possible, while still allowing for employee emergencies and illnesses.

This policy applies to all non-exempt/hourly employees. Exempt employees are also held to acceptable standards for attendance and if abuse is present, disciplinary action will result.

DEFINITIONS

Absence – Failure to report to work when scheduled. Pre-approved and/or scheduled absences for approved leaves of absence, periods of hospitalization, bereavement, jury duty, and approved worker's compensation leave will not be considered an occurrence as outlined herein. Pre-approved and scheduled absences will be monitored under the guidelines of the respective policy to which they apply. **All employees will be required to call in personally for excused absences, no call by relatives/friends is accepted (unless medically impossible). No texts, emails or voice messages are acceptable notices to your Supervisor of absence.** A Department Director may require a return to work excuse at any time an employee is absent for illness. An employee **must** turn in a return to full-duty work slip from a physician when out for 3 or more consecutive days of work.

Excessive Absence – Determination of excessive absence is left at the individual Department Director's discretion depending upon the needs and disruptions within the department when an absence occurs. All such determinations will follow a fair, impartial and equal treatment within the department. Patterns of absence are also encompassed within this definition.

Tardiness – An individual reporting to work any time after the start of the work day, without prior approval from the immediate Supervisor, will be determined to be Tardy. Leaving early for or returning late from break periods or meal periods is also considered tardiness. It shall be the responsibility of the employee to provide satisfactory verification of the extenuating circumstances if requested by the Supervisor.

Failure to Call – Failure to call in at least thirty (30) minutes before the start of the work day is unacceptable and can result in disciplinary action. This may be excused if the employee could not have known in advance if he/she was going to be tardy or absent.

No Call, No Show – Failure to call and/or failure to show up for work. It shall be the responsibility of the employee to provide the Supervisor/Department Director with satisfactory documentation of any mitigating circumstances.

One occurrence of no call/ no show

Second occurrence of no call/ no show (within a 12 month period)

Two (2) consecutive days no call/ no show

Final Written Warning

Termination

Termination

Physician Excuse – A Department Director may request a Physician's excuse to return to work at any time should an employee be absent from work due to illness. If an employee is absent 3 consecutive days due to illness, a physician's excuse will be required. Failure to supply an excuse can lead to disciplinary action, up to and including termination.

BACKGROUND CHECKS

The City of Edinburg endeavors to provide quality services and to ensure a safe working environment. Every employee must successfully complete a background check before being granted regular employment, temporary employment or included as a regular volunteer with the City.

PURPOSE

Background checks are completed, post-offer, on all new employees, including rehired employees, and regular volunteers. Employee transfers or promotions may also result in a new background check.

BACKGROUND PROVISIONS

Employees – Background checks will be made in compliance with all federal and state requirements. The City reserves the right to conduct background check(s) on any candidate or employee during any part of the employment relationship. The employment relationship includes, but is not limited to, the hiring, termination, promotion, retention or transfer of an individual.

Outside Contractors – Eligible contractors must provide contract workers who have successfully passed a background check which meets or exceeds the state requirements for the job the contract worker is to perform for the City.

TYPES OF BACKGROUND CHECKS

Base Checks – Background checks that are required for all employees, volunteers and viable candidates. The City adheres to TX DPS Criminal History Record Information (CHRI) policy and procedures. Included in the Base Checks are the following:

- Social Security trace
- County, statewide or alternative criminal search(es)

Motor Vehicle Report Checks – Background checks that are required for all employees and viable candidates who at any time transport others, routinely transport company property, equipment or supplies. Motor vehicle report checks will be required annually for all employees whose job continues to include the above criteria. Additionally, these services may be required for any other position designated by the City Manager.

Consumer Credit Report Checks – Background checks that are required for employees and viable candidates who have or have applied for a job who, as a part of their job, are responsible for handling cash, checks and/or credit cards. Additionally, these services may be required for any other position designated by the City Manager.

Fingerprint Checks – These checks may be used in those positions dealing with the youth of the City of Edinburg, ie: Parks & Recreation (identified divisions), City Golf Courses, Library, World Birding Center and Boys & Girls Club.

REPORTING ARRESTS, INDICTMENTS, AND CONVICTIONS

1. Employees must report all arrests, indictments, convictions, and protective/restraining orders issued against themselves for any reason, including when having pled nolo contendere or an unsuccessful deferred adjudication. The employee's report must be made for any crime, other than a minor traffic infraction, to the employee's immediate supervisor or the next highest ranking supervisor/manager available. The employee must make a verbal report the next workday after the incident. The verbal notification must be followed by a written notification within three (3) calendar days using the Notification of Employee Arrest, Indictment or Criminal Conviction form.
2. Upon learning of the incident, the supervisor and Human Resources Representative should conduct an investigatory discussion with the employee and recommend appropriate action to the department as needed. Once the initial investigation has been completed, the incident will be evaluated on a case-by-case basis by the department Director, or designee, and Human Resources Representative. A number of factors will be reviewed, including, but not limited to the employee's longevity, experience, performance, disciplinary action record, and the relevance of the incident to the employee's duties.
3. In the case of an indictment or arrest, the employee must provide written notification of any changes to the status of their case to his/her Human Resources Representative no later than two (2) working days after the change in status.
4. If it is discovered the employee did not report an arrest, indictment or conviction as outlined above, the immediate supervisor and Human Resources Representative should conduct an investigatory discussion with the employee and recommend appropriate action to the department as needed.
5. Failure to adhere to this policy may be grounds for disciplinary action, up to and including termination.

BULLETIN BOARDS

The Human Resources Department provides bulletin boards in various City facility locations to be used to transmit official communications to employees.

PURPOSE

The Human Resources bulletin boards ensure that official City communications and legally required postings are appropriately displayed.

All bulletin boards will be reviewed regularly by Human Resources personnel to ensure that the posted information is current.

CELL PHONE/TELEPHONE/PAGER USE IN THE WORKPLACE

The City recognizes that many employees have cell phones that they bring to work. The use of personal cell phones, including those with a camera, will not be allowed to disrupt job responsibilities in the workplace. The City is not responsible for any personal cellular telephones and/or pagers that are brought into the workplace.

When City cellular telephones and/or pagers are worn during work hours they should be kept on vibrate during meetings.

City telephones should only be used for business purposes, except for emergencies. Employee abuse of City telephones can result in disciplinary action up to and including termination.

CITY ISSUED CELL PHONE USAGE SAFETY PROCEDURES:

A. If an employee needs to make a **phone call (or text)** while operating a motor vehicle within the course and scope of their employment, the employee should immediately exit and park in a proper parking space first. Stopping on the side of the road is not acceptable. The only exception is for genuine emergencies such as an accident or vehicle breakdown or use by police/fire personnel for job-related public safety tasks. Employees with **hands-free telephones or bluetooths** may make brief phone calls while driving but must park when road conditions are poor, traffic is heavy, or a conversation is involved.

B. Wireless phone etiquette requires employees to use good manners, to be courteous and considerate of those around you. Employees should speak in a cordial conversational tone.

C. When making a cellular telephone call, employees must use discretion while making calls in public.

D. When driving or walking and using a wireless phone, be cognizant of other pedestrians and safety hazards and obey traffic signals.

E. Employee should remember that wireless service is a radio-based service. While it is illegal to intentionally intercept wireless calls, there are people who will listen in on wireless calls. Use caution.

RESPONSIBILITIES

The use of cellular telephones is not a work requirement for all City employees and may be assigned by a respective Department Director or the City Manager. Unless the City provides an employee with a cellular telephone, it will not reimburse employees for cost of using their personal cellular telephones for City business calls. Abuse of City-assigned cellular telephones could result in disciplinary action, which may include termination of employment. Personal calls made on City-

owned cell phones shall be kept to a minimum. The Supervisors shall hold employees accountable to excess abuse and have the City reimbursed by the employee, if applicable.

All City-owned cell phones shall remain with the department during the duration of an employee's leave (whether paid or unpaid), unless otherwise approved by the Department Director.

All City Employees, while operating a motor vehicle or City equipment in the scope of their employment, shall not use the cellular phone in violation of this policy regardless if the cell phone is City-owned or not.

Employees with personal cellular phones or assigned cellular phones who fail to follow above-mentioned policies shall be subject to disciplinary action, up to and including termination of employment.

CITY PROPERTY/EQUIPMENT USE

The City of Edinburg provides employees with adequate tools, equipment, vehicles, and facilities for the City job being performed. The City requires all employees to observe safe work practices and lawful, careful, and courteous operation of vehicles and equipment. Any City-provided safety equipment relevant to the job must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property. *The specific policy regarding computers, and computer-related equipment may be found in Computers/Electronic Communications and Systems Access Use Policy.*

Employees must notify their Supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or is in need of repair. The appropriate Supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, which may include termination of employment.

All City-issued property/equipment shall remain with the department during the duration of an employee's leave (whether paid or unpaid).

Personal Use Prohibited - City property, materials, supplies, tools, equipment, or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager or the Department Director.

Tobacco Use Prohibited - The use of all tobacco products (including smokeless) is prohibited while operating and/or occupying a City-owned vehicle and/or equipment.

Vehicle Allowance - An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

Take Home Vehicles - A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as driving to the bank, grocery store, etc. without prior written approval of the City Manager or Department Director. No alcoholic beverages are permitted in City

vehicles. No passengers may be transported in take-home vehicles except as required by official duties and with the approval of the Department Director.

If approved by the City Manager, use of a City-owned vehicle may be included within a contract of employment and may be exempt from this policy.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans, and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

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

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must immediately inform their Supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation, in accordance with state law.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed.
- All maintenance and use records for City vehicles must be completed as directed by the employee's Supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate Supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.
- At no time shall an employee ingest alcohol or illegal drugs while operating a City vehicle or a personal vehicle while conducting City business.

- Employees involved in an accident while operating a City vehicle, or while operating a personal vehicle on City business, must immediately notify the appropriate law enforcement agency and his/her immediate Supervisor and/or Department Director. A Driver's Report of a Vehicular Accident, along with any law enforcement report, must be filed by the employee with the Department Director, Director of Human Resources, and the Risk Manager.
- All City-owned or leased vehicles shall remain with the department during the duration of an employee's leave (whether paid or unpaid).

The City may, at any time, check the driving record of a City employee who operates a vehicle as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in providing the City whatever authorization is required for this purpose.

The above **is not** a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, which may include termination of employment.

Personal Property - All employees shall be solely responsible for their personal property at all times.

COMPUTERS/ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE

The City of Edinburg provides computer/wireless networks, Internet access, e-mail, telephones, pagers, digital cameras, flash drives, thumb drives, USB hard drives, cd/dvd players, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research, and information capabilities of City of Edinburg employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers, and other affiliates who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical, and legal manner.

Internet and E-mail Access. Users desiring Internet, network, and/or e-mail access must obtain written permission from their Department Director and provide it to the IT Officer. Users must acknowledge understanding of this policy and its guidelines as a condition of receiving an Internet, network, and/or e-mail access account. Failure to adhere to this policy and its guidelines will likely result in suspending or revoking the offender's privilege of access and/or other disciplinary action, which may include termination of employment. When a new employee is hired, the immediate Supervisor/Department Director should request a new ID and Password be issued to them. This request will be in the form of a work order directed to the IT Officer. Passwords to any system should never be shared with co-workers.

New Software. The IT Officer must be notified of the approval of any software that you desire to purchase for use on City computers. All software owned by the City of Edinburg must be registered to the City of Edinburg. You cannot install software on your computer system without permission. A work order must be submitted to IT for installation of any software on your system. After new software is installed, all software and software licenses will be given to the IT Officer to be accounted for and filed in a safe location. Exception to this rule may be granted by the IT Officer for software that must be kept on site or software that must be readily available for maintenance.

New Hardware/Software. The IT Officer must be notified about hardware that you desire or have purchased for use on your computers that has City Manager’s approval and is compatible with our City system. You cannot install hardware on your system without permission. An approved work order by your Department Director must be submitted for any installation of new hardware. Unbudgeted items require City Manager approval.

USB Drives.

In an attempt to strengthen the security and maintain the integrity of City of Edinburg’s information network, the use of unauthorized USB drives are not allowed. This precaution is necessary to minimize the risk of exposure to external threats such as hacking, phishing, spamming, viruses, and more. Any information coming in or leaving City computers is subject to open records requests; the use of USB drives go around the City’s retention rules and archiving equipment.

Social Network Site Usage & Blogging.

The very nature of the Internet and social networking sites are ever-changing. The City of Edinburg's guidelines are intended to provide direction if employees choose to use social networking sites and/or blogs for either personal or professional reasons (examples include but are NOT limited to: Facebook, MySpace, LinkedIn, Twitter, Foursquare and LiveJournal).

It is important that the City's employees remember to conduct themselves in an appropriate manner. The goal is to help staff avoid any unintended situations that could adversely affect their professional standing with the City. These guidelines are not intended to restrict participation by employees or violate the employee's right to communicate, but rather to provide some level of protection if they choose to engage in online activities.

- Personal blogs/posts should be clear that you are speaking for yourself and not on behalf of the City of Edinburg either officially or unofficially.
- Information published in your blog/posts should comply with the City's confidentiality and disclosure of proprietary data policies.
- Be respectful to our organization, other employees, volunteers, and citizens.
- Social media activities should not interfere with work commitments. Internet use on organization time is authorized for City business only.
- Your online presence reflects the organization. Be aware that your actions captured via images, posts, or comments can reflect that of the City. You are prohibited from using the City's logo without written consent from the City Manager.
- Use your best judgment. Remember that there are always consequences to what you publish. You have sole responsibility for what you post to your blog or publish in any form of online social media.
- Any violations of this or any City policy & procedure may lead to disciplinary action up to and including immediate termination of employment.

Acceptable Use. Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication, and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, network, and e-mail is a privilege. Minimal personal use of the Internet, network, or e-mail and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.

Unacceptable Uses of Electronic Communications Systems

- Using profanity, obscenity, or other language, which may be offensive or harassing to other coworkers or third parties.

- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive, or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
- Transmitting or sharing information regarding a coworker's health status without his/her permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Chain letters, or unsolicited mail/ads are not allowed.

User Responsibilities. Log off your workstation if you plan to leave your work area unattended (lunch, end of work day, etc.). Always go through the shutdown steps before turning off your computer. Keep all food and drinks away from the keyboards, computers, monitors, printers, and any external computer device. Never gain unauthorized access to networks or computer systems. Never make any attempt to cause degradation of the system's performance. Never download any copyrighted materials, i.e., music or movie files from websites, such as Kazaa, Morpheus, LimeWire, etc.

Filtering. The City uses software to filter Internet content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers, or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

Responsibility. The person in whose name a City provides Internet, e-mail, or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee e-mail, voice mail, information, and material transmitted, received or stored using City of Edinburg systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Information sent to City provided electronic communications systems may be subject to Public Information Requests.

Copyright Restriction. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author, or owner of the material. Employees may not download entertainment software, games, or any other software unrelated to their work.

Criminal Activity. Any evidence of criminal activity will be reported to administration and/or law enforcement officials. City assigned equipment will be confiscated for those purposes.

City Personnel not following the Policy for City of Edinburg Electronic Communications and Systems Access Use may be subject to disciplinary action, which may include termination of employment and/or criminal prosecution. The City of Edinburg will cooperate fully with local, state, or federal officials in any investigation in the misuse of computer software or hardware.

Acknowledged this 16th day of October, 2012 by:

Employee Name (printed)

Employee Signature

CONFIDENTIALITY

All personnel, medical and financial information are considered confidential. This confidential information, whether written, verbal or electronic, should not be revealed to anyone without legal due process.

The City of Edinburg seeks to protect the privacy rights of its employees and to protect City information.

Employee Medical Information

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains confidential medical files in regards to Family and Medical Leave Act Leave, Workers' Compensation, and insurance records.

Examples of information that may be provided to the City by an employee's health care provider, and maintained in the confidential medical file, include:

- 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 sick pay or disability benefits;
- insurance records; and
- 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. 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 coworkers' 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 coworker's privacy or breach of confidence.

The City of Edinburg is committed to complying with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Employee & Business Records

Records such as personnel, financial, payroll, business, policies and procedures, incident reports, etc. are also confidential.

Employee records should not be disclosed or reported without the employee's express written consent to any person within or outside the workplace except as may required by law.

Breaches of Confidentiality

Written Records

Efforts must be made to avoid leaving protected health information and other confidential employee or company information unattended or in areas with public access. Means should be provided for maintaining confidentiality at all times when handling sensitive information.

Verbal Information

Efforts must be made to limit discussion of protected health information, as well as employee or confidential City information in areas where such information may be overheard by unauthorized persons. This includes areas both inside and outside the City buildings, such as in an office with an open door or in a restaurant over lunch.

Computerized Information

Access to computerized information is limited by log-ins and passwords that are unique to each employee. Confidentiality is breached if someone uses another's password. Special care must be given to retrieving records where the computer screen can be observed by unauthorized persons. When a computer is left unattended, the last person accessing information should exit the application.

Faxed Information

Fax machines are frequently used to transmit information. Care should be given to placement of the machine to prevent unauthorized access. Every precaution should be taken to ensure that information is transmitted to the correct telephone number.

Violation of Policy

Employees who violate this policy shall be subject to discipline, up to and including termination.

CONFLICT OF INTEREST

No employee of the City may:

- Have any financial or other interest, directly or indirectly or where you are the decision maker, in any proposed or existing contract, purchase, work, sale, or service to, for, with, or by the City;
- Use City employment, authority, or influence in any manner for his/her personal betterment, financial, or otherwise;
- Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies, or services;
- Have discussions or participate in decisions of any City agency, board, commission, or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City; or
- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Violations of this policy will likely result in disciplinary action, which may include termination of employment. Direct questions regarding the prohibitions imposed by this policy may be addressed to your Department Director, the Director of Human Resources, or the City Manager's office.

DRESS, APPEARANCE, AND UNIFORMS

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City of Edinburg allows business casual dress in the work place as approved by the City Manager, in accordance with this policy. Department directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department directors and Supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts, and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.). Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

Employee Hygiene

Personal body and dental hygiene are important. The use of cosmetics and perfumes should be moderate. Fingernails must be clean.

Minimum Business Casual Work Attire: Business Casual

- Blouses/tops/sweaters (must be tucked in or belted, unless designed as an over-blouse), sleeveless blouses/dresses are not allowed;
- Skirts shall be worn no shorter than two (2) inches above the top of the knee, no denim skirts allowed;
- Ankle-length dress slacks are allowed, no denim slacks or Capri pants are allowed;
- Appropriate footwear, dress shoes or sandals with a professional length heel;
- No more than two (2) earrings in each ear may be worn provided the earrings are not unprofessional in appearance. Knit shirts with collar, banded collar shirts, short sleeve, or dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers;
- Casual pants, such as khakis, chinos, etc. are allowed;
- Men are not to wear earrings at Council presentations or formal events.

Business Attire

- Suits/sports jackets for men (can be removed during day/evening);
- Dress shirts for men with collars;
- Ties for men;
- Dresses, suits, pant-suits, dressy pants and blouses/sweaters for women;
- Socks (hosiery optional);
- Dress shoes/sandals.

Casual Friday Attire

- Denim jeans (any color) are allowed to be worn on Friday's only if accompanied by a collared City Logo shirt. Jeans should not be stone washed, torn, or too tightly fitted.

The following are inappropriate:

- Sweat-shirts, sweat-pants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by the City Manager;
- Thong sandals, clogs and flip flops are not acceptable at any time;
- Jeans of any color/type are not allowed at City Hall or in office areas unless a special dress down day is announced or on a Friday with appropriate collared City Logo shirt;
- T-shirts with inappropriate and/or offensive logos are not acceptable;
- Leggings are not acceptable;
- Visible body piercing (other than earrings) is inappropriate and should be removed or covered while at the workplace;
- Provocative or revealing attire is not acceptable (This includes body-hugging, see-through, low-cut, excessively short or excessively tight fabrics);
- Tank tops or spaghetti strap shirts/blouses are not acceptable;
- Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind are not acceptable;
- Wrinkled, ripped, and tattered clothing is not acceptable;

- Visible tattoos which could be deemed offensive are not acceptable;
- Nose rings/studs, eyebrow rings/studs, tongue studs, or similar type facial jewelry is not acceptable.

Hair: Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, mo-hawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. Sideburns may not extend below the ear lobe.

Uniforms: The City supplies employees with appropriate uniforms when relevant to their job function. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use, or by any third party.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean, and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck.

Enforcement: In all cases, the Department Director/City Manager will make the determination as to acceptable dress, appearance, and grooming. Employees should direct questions about appropriate appearance or dress to your Supervisor, Department Director, or the Director of Human Resources.

Employees in violation of this policy may be sent home. Under such circumstances, non-exempt 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 policy may be disciplined, which may include termination of employment.

The Department Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons, or implement a more restrictive dress and appearance policy for safety purposes.

Department Directors will dress in Business Attire unless the job responsibilities justify dressing in a different manner. Department Directors will rely on their better judgment in making such a decision.

EMPLOYEE CONDUCT / DISCIPLINE

The City of Edinburg is committed to providing quality customer service and maintaining a high level of trust with residents and customers. This can only be accomplished if we are also committed to conducting all operating and business activities with unquestionable integrity and conduct on the part of each of our employees. All employees are to abide by proper employee conduct at all times and to follow work rules set forth by their Departments and those within this policy.

EMPLOYEE CONDUCT

The City of Edinburg's philosophy is to clearly communicate the City's expectations regarding conduct in the workplace. Employee conduct shall be evaluated with regard to three primary criteria as follows:

A. Job Performance – focuses on the ability to perform the functions of the job to which an employee is assigned. Those job functions may evolve over time, as the needs and work of the City change, and the component of job performance necessarily includes the ability, and the willingness, to adapt to the changes that are required from time to time for the City to remain competitive.

B. Personal Conduct at Work (on duty time) - relates to the social skills, manners and ability of an employee to fit into a public sector work environment and to get along with other employees. Any conduct that negatively bears on the work environment and work morale will also bear negatively on an employee's qualifications to work in that environment.

C. Personal Conduct Outside of Work (off-duty but affecting duty status) - while not ordinarily the focus of job performance or abilities, this can and will be the basis of personnel action if it affects the employee in any area of work performance.

GENERAL DISCIPLINE POLICY

The City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies to provide corrective action. It is the responsibility of the Department Director and Human Resources Director to monitor compliance in each department. Disciplinary actions are to be administered fairly, consistently, objectively, and constructively. However, the City retains the right to administer discipline to address performance and conduct issues and concerns that arise with respect to particular situations.

The types of progressive discipline include, but are not limited to the following procedures and protocols:

- A.** A documented extension of probation no longer than the current probation period in force.
- B.** Verbal Warning- this includes a meeting with the employee to discuss the matter, inform the employee of the nature of the problem and the action necessary to correct it. A verbal warning may be documented in writing by supervisory personnel without notice of such documentation by the employee.

- C. Written Warning- a written reprimand to the employee describing the deficiency or infraction and the action necessary to correct it, warning the employee that a subsequent incident will result in more severe disciplinary action. A written warning or counseling shall be documented in the employee's personnel file and notice of this shall be given to the employee.
- D. Suspensions, with or without pay, including the issuance of a written reprimand and Notice of Suspension describing the deficiency or infraction and the action necessary to correct it, warning the employee that a subsequent incident will result in more severe disciplinary action up to and including termination.
- E. Demotion in salary, position or both, including the issuance of a demotion notice describing the reasons for such action.
- F. Dismissal including the issuance of a notice setting forth the grounds for and date of dismissal.
- G. The provisions of this policy are not binding as employment rights. Management reserves the right to determine the type, form and severity of corrective action and/or disciplinary action up to and including dismissal.

This policy serves as a guideline only, and does not create any contractual duties or obligations on the part of the City. Conversely, this policy does not give any employee any rights or expectations as to the procedures or methods to be used should discharge occur. **Finally, this policy does not supersede the City's at-will employment policy; any employee may be discharged at any time, with or without cause, and with or without prior notice.**

GROUND FOR DISCIPLINE

Conduct not specifically listed in this policy, but which adversely affects the interests of the City, other employees, or customers, may also result in disciplinary action. It is not possible to list all types of work rules which, when violated, may result in disciplinary action. Any act which, in the City's sole discretion, hampers or tends to hamper the performance of any employee, safety, or operations of the organization may also subject an employee to disciplinary action.

- A. A supervisor, a department Director, or the City Manager as appropriate, may impose such discipline as is warranted under the circumstances of any particular case.
- B. Grounds for discipline include but are not limited to the following types of violations:
 - 1. Employee must maintain acceptable standards of respect for customers, visitors, co-workers and Supervisors.
 - 2. Employees must follow departmental procedures.

3. Employees must perform position responsibilities in an appropriate manner and at assigned times.
4. Employees must promptly carry out general or specific instructions.
5. Employees must follow proper procedures regarding time reporting.
6. Employees may not start work before or continue to work after specified hours without prior approval of the Supervisor.
7. Employees must comply with the dress code.
8. Employees must be at their workstation at the start of their work period.
9. Employees may not receive unauthorized visitors while on work time.
10. Employees may not make or receive excessive personal phone calls or use City telephones without permission.
11. Employees must attend mandatory in-service, educational, or staff meetings.
12. Employees must follow safety rules.
13. Employees may not leave assigned work area without the approval of the Supervisor.
14. Employees may not violate the City's Smoking/Tobacco policy.
15. Employees may not neglect, waste or mishandle materials, machinery, or other supplies.
16. Employees must call in thirty (30) minutes prior to the beginning of a designated workday for any day absent.
17. Employees may not engage in 'horseplay' on the job.
18. Employees may not engage in gambling while on duty.
19. Employees may not post unauthorized information or remove matter/materials from City bulletin boards.
20. Employees may not engage in behavior resulting in danger, damage, or loss of property to customers, visitors, fellow employees, or the City.
21. Employees may not threaten, coerce, intimidate, or interfere with employees' work duties.
22. Employees may not violate the No Solicitation, No Distribution, and No Access rule.

23. Employees may not misuse City's, customer's or another employee's property for one's own use, as opposed to theft.
24. Employees must report all work-related injuries or accidents immediately to a Supervisor or Department Director.
25. Employees may not misuse City telephones, computers, mail systems, etc.
26. Employees may not use profanity, abusive language, or racial slurs while on duty.
27. Employees may not campaign for political office, distribute campaign materials, or provide other assistance to any candidate for any elective office while on duty.
28. Employees may not be engaged in outside employment that conflicts with, or potentially conflicts with, City interests.
29. Employees may not violate any provision of the City Charter.
30. Employees may not physically, verbally, emotionally, or psychologically abuse a customer, visitor, or another employee.
31. Employees may not engage in insubordination, to include but not limited to, refusal by words or actions to comply with a direct order from a Supervisor and/or refusal of a job assignment.
32. Employees may not purposely falsify City records such as time records, employment applications, etc., or make statements known to be false intended to influence City decisions.
33. While on the job or on City property employees may not be under the influence of alcohol or any controlled substance nor may they manufacture, distribute, possess, sell, use, offer to sell / purchase alcohol or any controlled substance.
34. Employees may not sleep while on duty (except for Fire Department personnel).
35. Employees may not steal nor attempt to steal and/or be in unauthorized possession of property of the City, another employee, customer, visitor, or other persons doing business with the City of Edinburg.
36. Employees may not work at another job while on an approved Leave of Absence.
37. Employees may not sabotage, abuse or destroy property belonging to the City, employees, customers, visitors, or other persons doing business with the City of Edinburg or make any attempt to do so.

38. Employees may not abandon the job by walking off the shift or leaving the facility without the approval of the Supervisor, except when such conduct is protected under applicable labor laws.
39. Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension.
40. Employees may not solicit or accept loans or kickbacks.
41. Employees may not maliciously misrepresent a material fact.
42. Employees may not misuse, make unauthorized disclosures of, or remove confidential or privileged information concerning the City, employees, or customers.
43. Employees may not possess, use, or threaten the use of firearms or any other dangerous weapons on City property.
44. Employees may not fight, hit, shove, push, forcibly grab, offensively touch, threaten, or provoke such acts; engage in any other disorderly conduct, or execute other similar acts while on City property, or during working time, or at other places and times when the employee is on City business.
45. Conviction of a felony or other crime involving moral turpitude. Conviction of a misdemeanor or felony may result in termination, unless prohibited by state law.
46. Employees may not violate the City's unlawful harassment policies.

EMPLOYEE DISPUTE RESOLUTION/GRIEVANCE

DEFINITION

Employee Dispute or Grievance is the unequal and/or unlawful treatment; interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

The City of Edinburg has a chain-of-command grievance procedure. Steps are as follows:

Step 1:

Any employee wishing to submit a complaint must first discuss the issue with the employee's immediate Supervisor. If the complaint is with the employee's Supervisor, the employee is instructed to submit the complaint to the Department Director as the first step.

Step 2:

If an employee is not satisfied with the resolution of the matter, the employee should then appeal to the next level. If the matter is not resolved to the employee's satisfaction, the employee shall take the issue to the employee's Department Director.

Step 3:

An employee failing to gain satisfaction after conferring with the employee's Department Director may then present his/her grievance to the Director of Human Resources. The employee shall submit an Employee Grievance Form to the Director of Human Resources within ten (10) calendar days of meeting with the Department Director. The Director of Human Resources will forward the Grievance Form to the City Manager. *In the case of the Economic Development and Boys & Girls Club employees, they are referred to the Executive Director and Board of their respective organizations.*

The decision of the City Manager is final.

EMPLOYEE REFERENCE CHECKS

It is the policy of the City of Edinburg to conduct employment reference checks in accordance with state and federal guidelines. The purpose of such checks is to ensure that all applicants for employment and former employees reapplying for employment have the necessary verifiable skills and experience to perform in the position for which they are applying.

All applicants are required to supply two (2) to three (3) references for verification. These can be former coworkers, Supervisors, and or friends who are familiar with their work accomplishments. References should not be family members.

EMPLOYMENT AT-WILL

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 or for employees covered by the provisions of the Texas Local Government Code §§143.001 et seq. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. The Human Resources Policy and Procedure Manual does not constitute a contract of employment. Nothing in this Manual is intended to alter the continuing at-will status of employment with the City.

All City employees, other than those covered by the provisions of the Texas Local Government Code §§143.001 et seq., acknowledge their at-will employment, as evident by their signature on the Acknowledgement Form and/or Offer of Employment Letter.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate employment of any employee at any time, for any or no reason.

EMPLOYMENT OF FAMILY MEMBERS

Employment of family members may occur and to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information this policy will apply as outlined below. This policy applies to all employees of the City, including civil service employees.

DEFINITIONS

Consanguinity Kinship

(Relationship by Blood)

Two persons are related to each other by consanguinity if one is descendant of the other or they share a common ancestor. An adopted child is considered to be a child of the adoptive parent for this purpose.

First Degree: Mother, Father, Son, Daughter

Second Degree: Brother, Sister, Grandparent, Grandchildren

Third Degree: Uncle, Aunt, Nephew, Niece, Great Grandparents, Great Grandchildren

Affinity Kinship

(Relationship by Marriage)

Two persons are related by Affinity if they are married to each other or if the spouse of one of person is related by consanguinity to the other person.

First Degree: Spouse, Mother-in-law, Father-in-law, Son-in-law, Daughter-in-law

Second Degree: Brother-in-law, Sister-in-law, Spouse's Grandparents, Spouse's Grandchild

Third Degree: Spouse's Aunt/Uncle, Spouse's Nephew/Niece, Spouse's Great Grandparent, Spouse's Grandchild

PROHIBITIONS

- An applicant, prospective employee, or non-exempt employee related to the City Manager within the first, second, or third degree of consanguinity or within the first or second degree of affinity shall not be employed by the city.
- An applicant, prospective employee, or non-exempt employee related within the first, second, or third degree of consanguinity or within the first or second degree of affinity to any member of the City Council, including the Mayor, shall not be employed by the city.
- The above provisions shall not apply to any person employed immediately before the election of the Mayor and Council Member, or the appointment of the City Manager, and that prior employment is continuous for at least 30 days, if the Mayor, Council Member, or City Manager is appointed, or six months if the Mayor or Council Member is elected.
- Under no circumstances will a prospective employee or employee be employed in a department/division in which he/she may directly or indirectly supervise or be supervised by a relative within the first, second, or third degree of consanguinity or affinity. However,

such employees who are related to the City Manager may maintain employment subject to the above prior employment exception.

PROMOTION

In the event of a promotion to a Supervisory position to which a violation of the prohibition listed above would occur, such relative of the promoted person must agree to tender his/her written resignation for the promotion to occur. Otherwise, the person seeking promotion will not be promoted.

REORGANIZATION

In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the two employees affected will determine which one will be required to immediately resign his/her employment. If the employees cannot decide, the decision will be made by the City Manager or his/her designee.

OTHER RESTRICTIONS

The following restrictions apply on the employment of any relative under this policy:

- No employee will supervise, review, or process the work of another employee within the first, second, or third degree of consanguinity or affinity, subject to the prior employment exceptions under PROHIBITIONS above;
- The employees' relationship must not create a conflict between employees and/or City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Relatives of any degree of consanguinity or affinity that are not otherwise prohibited from employment will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager or his/her designee.

City Manager authorizes that part-time employees of any degree of consanguinity or affinity that are not otherwise prohibited from employment may work in the same department as the relative, so long as he/she is not directly or indirectly supervising or is supervised by a relative within the first, second, or third degree of consanguinity or affinity.

MARRIAGE OF CURRENT EMPLOYEES

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited as previously mentioned in this policy, one or both of the affected employees must immediately seek a transfer to another available position within the

City for which he/she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

GRANDFATHER CLAUSE

The City is aware that, as of this effective date, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be “grandfathered” under this policy, meaning they will be permitted to continue their employment with the City as long as the requirements set out in this policy are met. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

EMPLOYMENT PROCESS

It is the City of Edinburg's policy to select, hire, and promote employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to age, race, religion, sex, color, national origin, citizenship, political affiliation, disability, veteran's status, or other unlawful basis. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of Management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

RECRUITMENT PROCESS

The recruitment process is initiated by a Department Director submitting a Job Order Request to the Director of Human Resources. Job vacancies will be posted internally for the benefit of any qualified employee to apply for said vacancy. External recruitment may also be conducted during an internal posting.

After making a decision to hire, the hiring department will submit the appropriate paperwork to the Human Resources Department.

The recruitment method for vacant director level positions may be determined by the City Manager on a case-by-case basis.

APPLICATIONS

Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City Application For Employment for the position desired. All information set forth on an application is subject to verification. Applications will be considered active until the vacancy is filled or the job order has been closed. All applications for employment shall be processed through the Department of Human Resources.

HIRING PROCESS

Applicants for employment will be required to interview and if selected will be required to pass a drug testing and a background investigation. The hiring of civil service employees is governed by the provisions of Texas Local Government Code §§143.001 et seq. to the extent that the process differs from that contained in this Policy.

A general orientation will be scheduled for the employee to complete prior to commencing work in their respective departments.

REHIRE PROCESS

Prior employees leaving in good standing shall be encouraged to reapply for positions they feel they are qualified for. The same hiring process will apply as with any new applicant.

EMPLOYMENT STATUS

The City of Edinburg classifies City employees for the purpose of employment status and benefit eligibility as follows:

EMPLOYMENT STATUS DEFINITIONS

Performance Probationary

All full-time or part-time employees will have a 90-day performance probationary period of initial employment, promotion, or transfer. This policy applies to non-civil service employees. An employee's probationary period may be extended upon the approval of the Department Director and Human Resources Director.

Regular Full-Time

An employee in a budgeted position with an official scheduled work week of forty (40) hours or more (except for certain Fire and Police shift personnel), who has successfully completed his/her initial performance probationary period. Regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

Regular Part-Time

An employee in a budgeted position who may work less than forty (40) hours within a work week, who has successfully completed his/her initial performance probationary period.

Temporary/Seasonal

An employee who is employed for only a specific time period or for a special assignment. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Director of Human Resources. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits.

Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

Volunteers

Volunteers are non-paid City employees in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are not entitled to any benefits with the exception of workers' compensation insurance coverage.

FLSA STATUS DEFINITIONS

In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt from federal and state wage and hour laws. Employees are informed of their status as exempt or non-exempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or non-exempt classification may be changed only upon written notification by the Director of Human Resources and the City Manager's office.

Non-Exempt Employees

Non-exempt employees (other than certain Fire Department employees) are entitled to overtime pay for hours worked in excess of forty (40) in a work week, under the specific provisions of federal and state laws. Non-exempt fire department personnel are entitled to overtime pay under § 207 (k) of the Fair Labor Standards Act.

Exempt Employees

Exempt employees are those who are not covered by applicable wage and hour laws. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond forty (40) hours in a work week. Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. Exempt employees are expected to acknowledge their status by completing the Acknowledgement of Exemption Status Form.

"Docking" an exempt employee's pay for a full day's absence will be permitted only as authorized by law and approved by the Director of Human Resources and the City Manager.

Absent accrued paid leave time, an exempt employee need not be paid for any work week in which he or she performs no work.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify the Director of Human Resources.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Edinburg is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, political affiliation, disability, veteran's status, or other unlawful basis, is prohibited.

EXIT INTERVIEWS

The City of Edinburg will provide separating employees with an exit interview, if possible, prior to their last day of work or shortly thereafter. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Director of Human Resources (or designee) shall complete an Exit Interview Form, and the Supervisor also completes an Exit Interview - Supervisor's Section Form. Exit interviews are conducted confidentially by the Director of Human Resources (or designee). Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Director of Human Resources of all separations, within twenty-four (24) hours of notice by the employee, arranging for the exit interview, and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation.

GIFTS & GRATUITIES

The City of Edinburg strives to treat employees, citizens, and individuals conducting business with the City in a fair and equitable manner. An employee (and his/her relatives and significant others) may not receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his/her job with the City. Individual City employees are prohibited from soliciting, accepting, or agreeing to accept any gift, gratuity, favor, benefit, or anything else of value from any person, organization, or other entity who has done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following will not be in violation of this policy:

- gift baskets shared within the Department;
- an award publicly presented in recognition of public service;
- an occasional meal (from time to time, not regular) where public business is discussed;
- tee-shirts, caps and other similar promotional material;
- any gift which would have been offered or given to the employee even if the employee were not a City employee; and/or
- any gift that has a value of less than \$50 (US).

Routine food coupons, frequent flier awards, discounts, and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her Supervisor to see if the item should be returned, or in the alternative, turned over to the Human Resources Department.

Employees may not give their Supervisor or anyone else in City management any gift or other item of more than \$50 value. If offered, Supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies), or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement, or similar events is not a violation of this policy.

The City takes this policy very seriously and violations will result in disciplinary action, which may include termination of employment. Any questions regarding the prohibitions imposed by this policy in general, or in connection with a specific situation, should be directed to the Director of Human Resources.

HEALTH/MEDICAL EXAMINATIONS/FITNESS FOR DUTY

The City of Edinburg 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/her position, either with or without reasonable accommodation.

Conditional Employment - In accordance with the Americans with Disabilities Act, the City may condition employment on an individual providing certain medical history to the City, as part of a post-offer medical examination, and successful completion of a post-offer medical examination. The Director of Human Resources, working with Department Directors, designates those positions requiring a post-offer physical examination.

Serious Health Condition/Disabilities - The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Medical Exams for Current Employees - The Director of Human Resources, or an employee's Department Director (with the prior written approval of the Director of Human Resources), may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, for promotion, or for other personnel action, as may be deemed 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.

Time Off From Work - Time away from work under this policy will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

Return to Work - Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the Director of Human Resources.

HOLIDAYS

The City of Edinburg provides paid holidays to regular full-time employees (whether on probation or not). Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day	January 1
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	First Monday in November
Thanksgiving Day	3 rd Thursday in November
Thanksgiving Friday	3 rd Friday in November
Christmas Eve Day	December 24
Christmas Day	December 25

Other holidays may be added as designated by the City Manager.

Holidays - A holiday is a period of eight (8) hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is twelve (12) work hours.

Scheduling of Holiday - Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Eligibility for Holiday Pay - Regular full-time employees (whether on probation or not) are eligible for holiday pay after the completion of one (1) full day of work. Regular part-time employees are not eligible for holiday pay.

Temporary and Seasonal Employees - Temporary and seasonal employees will be paid their regular rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

Employees Required to Work on a Holiday - Regular full-time employees required to work on a holiday will be given an alternate day off (eight (8) hours for regular employees and 12 hours for Fire

Department shift personnel) with pay or will be “paid” for the holiday at their regular rate of pay, at the employee’s request.

Employees Scheduled “Off Duty” on a Holiday - When a holiday and an employee’s regularly scheduled day off occur on the same day, the employee will be paid eight (8) hours of holiday leave (12 hours for Fire Department shift personnel) in their paycheck.

Non-Exempt Emergency Personnel Called Back on a Holiday - Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at regular rate of pay, in addition to the holiday pay.

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

Holiday Occurring During Vacation Leave - A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

Separating Employees - Except in extraordinary situations of involuntary separation, separating employees will not be allowed to use a holiday as their final day of employment.

Paid Leave Status - An employee on a paid leave status will be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

Other Religious Holidays - Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

Holiday Pay During Workers’ Compensation Leave - An employee on worker's compensation leave, who is not on salary continuation, will not receive holiday pay.

HOURS OF WORK

OVERTIME

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

NON-EXEMPT EMPLOYEES

When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their Supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action, which may include termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time worked, with the exception of personal illness or death in the immediate family.

All non-exempt employees must receive their Supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate Supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate Supervisor. On the employee's time sheet, the appropriate Supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, which may include termination of employment.

Generally, except for Fire Department shift employees, overtime pay for non-exempt employees is at the rate of 1- $\frac{1}{2}$ times the employee's regular hourly rate of pay for hours actually worked in excess of forty (40) in the City's work week. (The City's work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. the following Sunday.) An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc. Fire personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

Paid vacation and paid holiday leave are not included as hours worked for purposes of determining eligibility for overtime pay. In addition, time off for sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

MEAL & BREAKS

Each employee scheduled to work more than 5 hours is entitled to one-half (1/2) hour unpaid meal period during that day.

A meal period is an uninterrupted time, and an employee is completely relieved of duty. Management, at its sole discretion, may interrupt the meal period by the necessity to return to work.

- If called to return to work, the employee will be paid for the entire meal period or given an additional 20-minute uninterrupted meal break.
- If an employee returns to work prior to completion of one (1) hour or thirty (30) minute meal break (check with the employee's Department), this time will not be rounded but will be shown as actual time deducted.

The City will endeavor to give all non-exempt/hourly employees two (2) paid 15-minute break periods in a work day of 6 or more hours per day. It is at the discretion of the Department Director and the urgency of work tasks that break periods may be delayed, rescheduled or cancelled. Break periods cannot be accumulated and must be used daily during the regularly scheduled workday. Break periods may not be taken at the beginning or end of the workday or in conjunction with the meal period.

ON-CALL & CALL BACK COMPENSATION (Non-Exempt Employees)

(E) Compensation for On-call/Stand by

City employees who are not covered by the provisions of Texas Local Government Code 143.001 et seq., and are non-exempt from overtime are eligible for compensation under the provisions of this policy. An employee is considered officially scheduled and designated as on-call only when approved by his/her Supervisor in accordance with procedures established by his/her Department. On-call definition signifies that the employee is not on duty at his workstation, but is required to be ready and available to respond to a request to return to work at any time during such period. All employees who are assigned to "on-call" duty will abide as follows:

- 1.) A stipend of 50.00 per week (\$100.00 per pay period in addition to a minimum one (1) hour regular time when called back to work.)
- 2.) If called into work and the amount of time actually worked exceeds the one (1) hour minimum, the employee will be compensated for the actual hours worked.
- 3.) On-call work is only considered if called back to work after scheduled work day.
- 4.) Time worked immediately after regularly scheduled working hours at the request or approval of the Supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met.
- 5.) Employees called in to work on a scheduled day off will only be paid for hours actually worked.
- 6.) Employees called back to work on a holiday will be paid worked hours, in addition to holiday pay.
- 7.) Employees assigned to be On-Call are required to report to work. An employee that does not report to work while On-Call will be subject to disciplinary action including up to termination.
- 8.) Travel time to and from a call-back is not compensable under this policy. Paid work hours begin when employee arrives at scene or regular office area to conduct business.

- 9.) The Department will post the On-Call schedule within a 24 hour period prior to anticipated On-Call status whenever possible.
- 10.) On-Call time shall not be considered hours worked for the purposes of calculating overtime.
- 11.) Employees exempt from overtime are not eligible for compensation under the provisions of this policy.
- 12.) After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) within designated guidelines set by their Department.
- 13.) An employee designated to be on-call must remain mentally and physically able to accomplish the services needed within the time-frame required (Refer to *Substance Abuse & Testing Policy*).

(F) Civil Service employees shall be covered by the rules governing such activity in the provisions of the Texas Local Government Code 143.001 et seq.

FIRE DEPARTMENT PERSONNEL (Non-Exempt Employees)

1. EARLY RELIEF FOR PERSONNEL ASSIGNED TO SHIFT SCHEDULE

The undocumented practices of having personnel relieve other Operations personnel early from their shift by coming in early and standing-by for them is prohibited.

Operations personnel are to begin work exactly when the shift begins and end work when the shift ends except for approved leave of absences or when otherwise directed.

If early relief is necessary, and EXCHANGE OF TIME form must be completed with the proper authorizing signatures.

2. EXCHANGE OF TIME

EXCHANGE OF TIME is allowed; however, the proper forms must be completed in full prior to any EXCHANGE OF TIME and must contain all applicable authorizing signatures.

An EXCHANGE OF TIME form must be completed regardless of the length of time of the exchange.

All EXCHANGE OF TIME's must be repaid before the end of the calendar year in which the EXCHANGE OF TIME was made. On December 31st of each year, no EXCHANGE OF TIME IS to be left outstanding.

Any EXCHANGE OF TIME is considered as a "Temporary Transfer". The EXCHANGE OF TIME must be initiated by Operation Division personnel. All EXCHANGE OF TIME forms must be thoroughly documented and approved by applicable supervisors.

Operations Division personnel on EXCHANGE OF TIME will assume all responsibilities from person they are changing time with. They also become the responsibility of the Supervisors to which they are temporarily assigned to during an EXCHANGE OF TIME.

INCLEMENT WEATHER/EMERGENCY CLOSING

Except for extraordinary circumstances, City offices **DO NOT CLOSE**. It is the policy of the City of Edinburg that all City employees, whether exempt or non-exempt, are expected to report to work during inclement weather conditions, or other emergency situations as requested by Supervisory staff.

The Chain of Command used for Inclement Weather/Emergency Closing shall follow the NIMs (National Incident Management) guidelines, ie: Mayor, City Council Members, Emergency Management Coordinator, and City Manager. No City facility shall close without approval of the City Manager's Office.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his/her immediate Supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or compensatory time. Regular full-time and part-time non-exempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The Department Director/immediate Supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "Administrative Leave With Pay" for the time the office/department is closed. A Request for Leave/Absence Report shall be completed for record purposes to reflect such leave. Employees who are not required to report for duty as provided in this policy, and who abide by the provisions of this policy, will receive compensation for no more than two (2) weeks or one (1) full pay period while their department or office is closed. If the closure extends beyond two (2) weeks or one (1) full pay period, employees will be required to utilize any accrued leave balances, including vacation and compensatory leave.

Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action, which may include termination of employment.

Any employee who is classified as Exempt and is assigned to remain on duty at the Emergency Operations Center (EOC) or a designated station during the emergency will accrue compensatory time off at the rate of hour for hour for physical time worked in excess of forty (40) hours during the work week in which the City Manager or his/her designee issues a disaster or "State of Emergency" declaration.

Any unused, but accrued compensatory time balances earned in reference to a disaster or emergency declaration for exempt employees will be paid at the discretion of the City, or at separation from the City.

Non-exempt employees will be paid for compensatory time at the rate of one-and-one half (1 ½) hours for each hour worked in excess of forty (40) hours worked in a work week, during the work week in which the City Manager or his/her designee issues a disaster or "State of Emergency" declaration.

By reporting to work on the return-to-duty date and/or time specified by the City Manager, each employee meets their responsibility to work with other City employees as a team in helping to restore the community to normal service level following a disaster or emergency condition.

For further information refer to the City of Edinburg's Emergency Management Plan.

INSPECTION OF PERSONAL & CITY PROPERTY

The City may conduct unannounced inspections or searches of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, offices, computer and electronic files, whether secured, unsecured, or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots upon reasonable suspicion of unauthorized possession of City property, illegal drugs, alcohol, firearms, weapons or another employee's property. This policy applies to all City locations.

DEFINITIONS

Personal Property includes, but is not limited to, any purse, backpack, wallet, bag, box, or any other package that is in the employee's possession or control.

Company Property includes, but is not limited to, rest rooms, lockers, desks, drawers, cabinets, lock boxes, or any other storage area that the employee maintains.

All searches must be authorized and conducted under the direction of the Director of Human Resources. No employee may be required to open a package, pocketbook, or other item for inspection; however, failure to comply with a request to search an employee's personal items may result in termination, even for a first time refusal. Under no circumstance will force be used in seeking compliance with a request to inspect person or property. Similarly, no employee should be touched in any way as part of an inspection.

Employees who refuse to cooperate with a search may be subject to disciplinary action, which may include termination of employment.

JOB DESCRIPTIONS

The City of Edinburg provides employees with a job description to include the general nature of work, illustrative examples of work, demands, working conditions, desirable knowledge, abilities, skills, educations and experience required for the position.

Job descriptions are to be used by the Department Director/Supervisor during the recruitment and employment process. A job-specific performance review based on the job description is used for the annual review.

The City reserves the right at any time, with or without notice to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities. Department Directors will periodically review job descriptions for changes that may have taken place since the last review.

Each employee will sign and date a copy of his/her job description upon employment and as revised. These signed copies will be filed in the employee's personnel file.

JOB POSTING

The City of Edinburg wants to provide for professional advancement opportunities for employees through an internal job posting system.

Any opening, whether newly developed or a replacement, will be opened by:

- Department Director forwarding a completed and signed Job Order Request Form to Human Resources along with a newly developed or updated job description;
- The Job Order Request Form will be signed by the Director of Human Resources and then submitted to the City Manager for approval.
- Once the Job Order Request Form is approved, the position will be listed in our job openings section of the City's webpage and posted internally for a minimum of three (3) business days before filling.

JURY DUTY/COURT APPEARANCES

The City of Edinburg provides paid leave to regular full-time employees and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding.

Court appearances for testimony, investigation, and court preparation as a result of official duties as a City of Edinburg employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday, or compensatory leave; otherwise a non-exempt employee's time off will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with his/her leave request. Employees must submit Request For Leave/Absence Report, along with supporting documentation to their Supervisor as soon as possible so that arrangements can be made to accommodate their absence.

Employees on jury duty leave should keep up with their job responsibilities if possible. **If an employee is summoned to jury duty, not selected, and is excused from continued duty by the authorized clerk of court, the employee must return to work for the remainder of the scheduled work day**, or request approval for use of other available paid time off.

Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

LEAVES OF ABSENCE

The City of Edinburg provides eligible employees with the opportunity to take a leave of absence either with or without pay under the following:

- Administrative Leave with Pay
- Administrative Leave without Pay
- Family Medical Leave of Absence
- Military Leave of Absence
- Bereavement/Funeral Leave of Absence

Leave of Absences are a privilege and not a right. Consideration will be given to all circumstances surrounding such a request, including the employee's length of service, the employee's attendance and work record, current staffing, workload, and departmental needs.

ADMINISTRATIVE LEAVE WITH PAY

The City of Edinburg may grant Administrative Leave With Pay to an employee, as a matter of discretion by the City Manager (or designee), when no other paid leave category is available or applicable, and leave without pay would not be appropriate.

Department Directors, upon approval of the City Manager, may grant Administrative Leave With Pay only in matters pending a disciplinary decision.

Administrative Leave With Pay granted to an employee will be put in writing by the Department Director and forwarded to the Director of Human Resources for proper payroll processing and placement in the employee's personnel file. A Request for Leave/Absence Report shall be generated and a copy shall accompany the written request for Administrative Leave.

ADMINISTRATIVE LEAVE WITHOUT PAY

In extraordinary circumstances, the City of Edinburg may grant non-civil service employees Administrative Leave Without Pay. All requests for Administrative Leave Without Pay that does not qualify as FMLA protected leave, must be submitted in writing with Department Director approval to Human Resources for the file and payroll processing. The employee may seek extensions of leave, not to exceed a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, including considering extending leave as a reasonable accommodation. An Administrative Leave Without Pay will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

City of Edinburg policy requires that vacation, compensatory time, and accrued holiday time, be used prior to utilizing an Administrative Leave Without Pay. However, if the Administrative Leave Without Pay is due to illness or injury, all sick leave must also be used prior to utilizing an

Administrative Leave Without Pay. **Vacation, sick leave, holiday pay, and other benefits do not accrue during a full pay period of Administrative Leave Without Pay.**

Factors considered by the City in granting an Administrative Leave Without Pay include the reason for the leave, departmental work requirements, the employee's length of service, work performance, and disciplinary history.

Reasons for Administrative Leave Without Pay. An Administrative Leave Without Pay may be considered in the following circumstances:

- A.** Recovery from extended illness, injury, or temporary disability.
- B.** Extended care for immediate family members.
- C.** Educational purposes when successful completion will contribute to the work of the City.
- D.** Public service assignment.
- E.** Personnel exchange programs, which emphasize inter-governmental relations.

Requests for Administrative Leave Without Pay must be made in writing to the City Manager as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the City Manager through the Director of Human Resources. The need for a medical Administrative Leave Without Pay must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to duty. The employee shall be required, while on leave, to contact the Department of Human Resources to report on his/her condition or status every 30 days. Before returning to work from a medical Administrative Leave Without Pay, the employee shall be required to submit a Medical Release from the doctor stating that the employee is able to resume his or her normal job duties.

Under no circumstances may an employee on an authorized Administrative Leave Without Pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the City Manager through the Director of Human Resources.

An employee who fails to return to duty at the conclusion of an Administrative Leave Without Pay will be considered to have voluntarily resigned his/her employment with the City.

FAMILY MEDICAL LEAVE OF ABSENCE

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take either

- (1) up to a limited amount of twelve (12) weeks of paid or unpaid workweeks of leave for specified family and medical reasons (Basic Family Leave); or
- (2) military family leave entitlements (Military Family Leave).

To determine eligibility for leave, the City uses a rolling twelve (12) month period measured backward from the date of any FMLA leave.

FMLA Leave Runs Concurrently With Other Types of Leave. If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's Sick Leave Policy. Accrued sick leave taken for the purposes of FMLA for the employee or employee's immediate family will follow the guidelines set out in the Sick Leave Policy. If the absence is not covered by the City's Sick Leave Policy, the following leave time will be applied and will run concurrently with any remaining FMLA leave: vacation leave and accrued holiday leave. Thereafter, the employee will be on Leave Without Pay for the remainder of the leave up to twelve (12) weeks.

In addition, where both spouses are employed by the City (regardless of where they are employed) the family unit is only entitled to an aggregated twelve weeks FMLA leave period for birth, placement, or care of a child after birth or placement, or care of a parent with a serious health condition. Also, these restrictions on spouses do not apply to siblings or unmarried domestic partners employed by the City.

Employee Eligibility. To be eligible for FMLA leave, an employee must have worked for the City:

- For at least 12 months, and
- For at least 1,250 hours during the 12 months preceding the start of the leave.

Basic FMLA Leave Entitlement. Eligible employees may take FMLA leave for one or more of the following reasons:

- for the birth or placement of a child for adoption or foster care;
- to care for a spouse, child, or parent with a 'serious health condition'; or
- when the employee is unable to perform the functions of his/her position because of his/her own serious health condition.

Serious Health Condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential medical care facility; or
- Continuing treatment by a health care provider as defined by the FMLA regulations.

Worker's Compensation/Occupational Injury.

- FMLA leave will run concurrently with a workers' compensation/occupational injury absence when the injury is considered a 'serious health condition'.

Military Family Leave Entitlement. There are two (2) types of Military Family Leave available to an eligible employee.

1. **Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to twelve (12) weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, is on active duty or called to active duty status in the Armed Forces, including a member of the National Guard or Reserves, in support of a contingency operation. Qualifying exigencies may include:
 - Short-notice deployment (up to 7 days of leave)
 - Attending certain military events
 - Arranging for alternative childcare
 - Addressing certain financial and legal arrangements
 - Periods of rest and recuperation for the servicemember (up to 5 days of leave)
 - Attending certain counseling sessions
 - Attending post-deployment activities (available for up to 90 days after the termination of the covered servicemember's active duty status)
 - Other activities arising out of the servicemember's active duty or call to active duty and agreed upon by the company and the employee
2. **Leave to care for a covered servicemember.** There is also a special leave entitlement that permits employees who meet the eligibility requirement of FMLA leave to take up to twenty-six (26) weeks of leave to care for a covered servicemember during a single twelve (12) month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

In addition, if an employee and the employee's spouse are both employed by the City, each employee is entitled to a combined total of twenty-six (26) in a single twelve (12) month period.

Employee's Notice Requirements. In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide the FMLA Administrator with at least thirty (30) days' advance notice when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide the FMLA Administrator with as much

advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child, or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.

All Supervisors must immediately notify both their Department Director and the FMLA Administrator if they have reason to believe an employee's absence is due to an FMLA-covered reason. (**Note:** Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements.)

Medical Certification and Other Required Documentation. An employee must provide the City with medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child, or parent. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. Forms are available from the FMLA Administrator.

An employee must also provide periodic reports during FMLA leave as to his/her status and intent to return-to-duty, and may be required to submit a release from a healthcare provider before the employee can return to work. In some cases, the City may require a second medical opinion (at the City's expense) and periodic recertification of the serious health condition, and when the leave is a result of the employee's own serious health condition, a release from a healthcare provider to return-to-duty. If an employee fails to provide any required certification within fifteen (15) calendar days, the City may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship. If an employee elects to take Military FMLA leave, the employee may be required to provide reasonable documentation confirming the need for leave.

Light/Modified Work Duty.

Light/Modified Work Duty is **only available** for Workers' Compensation injuries/illnesses. The City will not allow return to light/modified work duty for other illnesses/injuries of a personal nature.

Intermittent Leave. An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by the FMLA Administrator. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

Benefits During FMLA Leave. During any period of FMLA leave, the City will continue to pay its portion of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his/her covered dependents share of health insurance premiums while on FMLA leave. The City may recover premiums paid to maintain health coverage for an employee who fails to return to duty from FMLA

leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, and seniority will not be affected. However, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

TMRS. Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the Director of Human Resources and completing the necessary paperwork.

Job Restoration After FMLA Leave. Upon return from FMLA leave, an employee will be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions. Return-to-duty testing shall be required when an employee has been absent for more than three (3) consecutive days.

Leave Due To Birth/Adoption. FMLA leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.

Leave for placement of a child for adoption or foster care is not covered by the City's Sick Leave Policy, the following leave time will be applied and will run concurrently with any remaining FMLA leave: vacation leave and accrued holiday leave. Thereafter, employee will be on Administrative Leave Without Pay for the remainder of the leave up to twelve (12) weeks.

A maximum of eighty (80) hours of sick leave may be utilized for leave due to the birth of a child for an employee who is the spouse; thereafter, the following leave time will be applied and will run concurrently with any remaining FMLA leave: vacation leave, compensatory time, and finally accrued holiday leave.

FLSA Considerations. Salaried executive, administrative, professional, and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

Other Employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment.

Other Provisions. The FMLA does not affect any federal or state law prohibiting discrimination.

This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Director of Human Resources. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his/her rights and responsibilities under the FMLA. In addition, employees may contact the nearest office

of the U.S. Department of Labor's Wage & Hour Division or the Department of Labor's website for more information.

MILITARY LEAVE

The City of Edinburg complies with all state and federal laws relating to employees in reserve or active U.S. military service and does not discriminate against employees who serve in the U.S. military. The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits. However, temporary and seasonal employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of fifteen (15) days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than twenty-four (24) hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Request for Leave/Absence Form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Request for Leave/Absence Form must be turned into the Department Director as far in advance of the leave as possible. A copy of the Request for Leave/Absence Form shall be provided to the Department of Human Resources.

Paid/Unpaid Leave and Benefits for Training and Duty.

- **Full Pay For Up to Fifteen (15) Days.** Employees will be paid for military absences of up to a maximum of fifteen (15) work days per calendar year. Shift employees will be transitioned to a forty (40) hour work week during military absences in accordance with applicable state law. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserves training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.
- **Other Paid Leave.** Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, accrued holiday leave, and compensatory time) to cover their absence from work.
- **Unpaid Leave.** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military

absence), the employee will be placed on leave without pay for up to five (5) years.

- **Medical and Dental.** While an employee is on paid military leave (or any military leave of less than thirty-one (31) days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to twenty-four (24) months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/herself and eligible dependants. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the City's group health plan.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

- **Other Benefits.** While on paid military leave, employees continue to accrue vacation, sick leave, and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
- **TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within ninety (90) days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five (5) years or three (3) times the length of the military service to make up any TMRS contributions that were missed while on military leave.
- **Re-employment Rights.** In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they had at the time they left on leave.

- **Deadline to Notify City of Intent to Return to Work.** The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

For service of less than thirty-one (31) days, employees have eight (8) hours following their return home from service to report for their next scheduled work period.

For service between thirty-one (31) days and 180 days, employees have fourteen (14) days following their release from service to apply for reemployment.

For service of more than 180 days, employees have ninety (90) days following their release from service to apply for reemployment.

These deadlines may be extended for two (2) years or more when an employee suffers service-related injuries that prevents him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

- **Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than thirty-one (31) calendar days.

Return-to-duty testing shall be conducted when an employee has been absent for more than fifteen (15) consecutive days.

- **Rights to Continued Employment.** Employees who serve in the military for more than six (6) months will not be discharged by the City without cause for one (1) year following the date of their reemployment. Employees who serve for between one (1) and six (6) months will not be discharged without cause for six (6) months following the date of their reemployment. Employees who serve for thirty (30) days or less are given no protection under federal law from discharge without cause.
- **Changed Circumstances.** If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force or other budgetary constraints that eliminates the position held by an employee returning from leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

BEREAVEMENT/FUNERAL LEAVE

The City of Edinburg provides regular full-time employees (whether on probation or not) paid time off, up to a maximum of three (3) work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as current spouse, child, parent, grandparent, grandchild, brother, sister, by blood or marriage.

An employee may be required to provide proof of death, funeral, and family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their Supervisor immediately. Employees may take additional time off as vacation time; or, if no vacation is available, an authorized Administrative Leave Without Pay upon approval of the City Manager may be granted. All bereavement leave time taken must be requested on the City's Request for Leave/Absence Report.

MEETING & TRAINING TIME

The City of Edinburg wants to ensure that time spent at meetings and in training which is considered to be work time under federal and state standards must be recorded on employee's time record and paid at the applicable straight-time or overtime rate.

This policy applies to all hourly/non-exempt employees of the City.

Exclusions to Paid Training

All meeting and training time must be considered hours worked unless **all** of the following requirements are met:

- Attendance is, in fact, voluntary, and not a condition of employment;
- The meeting or training occurs outside of regular work hours;
- No productive work is performed at the meeting; and
- The meeting or training is not directly related to the employee's present job.

Job Specific Training

If an employee voluntarily attends job-related training outside of regular work hours, which does not include the performance of any work, the training will not be considered work time. Training which is devoted to the City's **specific** procedures is always work time.

Travel to Training

If an employee must travel to a required/mandatory meeting or training during work hours, then the travel will also be considered to be work time.

Home-Work-Home Travel Time

Travel time to and from an employee's home to his/her regular place of work and back again is **not considered** hours worked.

Work-work Travel Time

Travel from one City job site to another **will be considered** work time.

One-Day Travel

An employee's travel time when sent out of town on a one day assignment by Management is considered as hours worked, except time that would normally be spent at meals or traveling to and from the employee's home and regular place of work. Voluntary attendance at educational training is at the cost of the employee and vacation leave request is required.

Overnight Travel

If an employee is required to travel overnight for training required by the City, travel time during the employee's normal working hours is considered as time worked. Time spent at meals, recreation or sleep after reaching the destination is not considered as work time.

NO SOLICITATION, NO DISTRIBUTION & NO ACCESS

Solicitation and distribution of literature by non-employees on City property is prohibited. Solicitation by employees on City property during working time is prohibited.

Solicitation of monetary or other forms of contribution is permitted with the express approval of the City Manager. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his/her employment according to his/her response to a solicitation. Normally the solicitation shall be in support of an effort that is directly related to the operation of the City or has direct or indirect benefit to our employees.

DEFINITIONS

Solicitation – the act of verbally urging or persuading individuals to accept a product or service for sale, a doctrine to follow, or an organization to join.

Distribution – the handling or passing out or any other means of transmittal of any written material and computer messages to an individual which would aid or help in soliciting the individual.

Non-Work Areas – defined as employee break rooms, employee rest rooms, and the area normally traveled to and from the parking lot to the work area.

Non-Work Time – includes time normally spend on City premises traveling from the parking lot to the work area, time traveling from the work area to the parking lot after work, recognized break times and meal breaks, time spent in employee rest rooms, and personal clean up time.

Working Time – the time an employee is expected to be performing his/her job duties and does not include break periods and meal times or other periods when employees are properly not engaged in performing their work.

Employee “No Distribution” Rule

Employees are not permitted to distribute advertising material, handbills, or printed/written literature of any kind, at any time in immediate work areas or any other work areas. Distribution of literature of any kind by employees on property in non-working areas during working time is prohibited.

Employee “No Access” Rule

Employees are not permitted access to the interior of the City Hall or City location away from City Hall during their off duty hours without permission or informing their immediate Supervisor of the individual employee’s need to return to work.

Employee Exceptions

Employees are allowed to participate in fund raising activities for non-profit organizations/events. Examples include raffle tickets for an employee’s child’s school, candy to raise money for a school trip, etc.

OUTSIDE EMPLOYMENT

City of Edinburg employees may engage in outside employment provided it does not interfere with their primary job with the City. ***Employees must notify their Department Director.*** Department Directors must notify the City Manager prior to engaging in outside employment.

Employees may not accept outside employment that conflicts with the effective performance of the employee while on duty with the City of Edinburg, or conflict in any way with the best interests of the City. Other outside activities that might similarly distract from an employee's ability to perform his/her job with the City are also discouraged.

An employee will not be covered by the City's workers' compensation insurance while working for another employer unless the employee is required to perform official City employment activities while engaged in such outside employment.

For purposes of this policy, outside employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City of Edinburg. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith based activities, or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

PAYROLL

PAYROLL DEDUCTIONS

The following deductions are authorized for payroll deductions:

- 1) Social security contributions;
- 2) Income withholding taxes;
- 3) Contributions to the Texas Municipal Retirement System;
- 4) Presently authorized medical insurance premiums;
- 5) Presently authorized “other insurance” premiums;
- 6) Garnishment/Levy’s;
- 7) United Way contributions;
- 8) Deferred compensation plan;
- 9) Union dues (Civil Service).

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

PAY DAYS & PAY PERIODS

Work Week – a work week for wage payment purposes is 7 consecutive 24 hour days beginning at 12:00 a.m. on Monday and ending on the following Sunday at 11:59:59 p.m.

Work Day – a workday for wage payment purposes begins at the start of an employee’s regularly scheduled work day and runs for 24 consecutive hours.

PERFORMANCE EVALUATION SYSTEM

It is the policy of the City of Edinburg to utilize a thorough performance evaluation system for assisting Supervisors in communicating job expectations, measuring the non-civil service employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the Supervisor-employee relationship. The performance evaluation system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

Regular Full and Part-time employees (excluding Civil Service) hired shall receive:

- A performance review after three (3) months of their probationary period;
- An annual performance review on their anniversary date;
- A performance review may be extended for time spent on an approved Leave of Absence including leaves of absences due to on-the-job injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee will normally extend the performance review by an additional day.

Merit increases, promotions, longevity pay, or any other rate change shall become effective on the first day of the pay period during which eligible or awarded.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths, and areas of development needed by completing the Employee Development Area. All performance evaluation information must be written where required and forwarded to the Director of Human Resources for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the Supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating Supervisors and Managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level Managers are encouraged to review all Performance Evaluation documents for validity prior to the Supervisor conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias.

The Director of Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Director of Human Resources is responsible for maintaining original evaluation documents in official personnel files, and for timely processing of evaluations for any compensation due.

Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Non-civil service employees are encouraged to address issues and concerns regarding their employee performance review with their evaluating Supervisor. If the employee is unable to resolve his/her issues and concerns with the evaluating Supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating Supervisor, the employee may go to the City Manager through the Director of Human Resources for closure and to address his/her concerns.

Civil service employees will be covered by the Texas Local Government Code §§143.001 et seq., to the extent that civil service rules are different from these policies.

PERSONNEL RECORDS

The City of Edinburg maintains personnel records in the Human Resources Department. These records are permanent, confidential and will be kept up-to-date. The Human Resources Department also will conform to legal requirements regarding personnel records.

All documents with a space for an employee's signature should be signed by the employee before they are permanently placed in the personnel file. In instances where an employee refuses to sign, when possible, the Supervisor will have another Supervisor witness, sign, and date the document in front of the employee, indicating that the employee refused to sign.

Personnel Record Maintenance

Personnel files are the property of the City. Neither personnel file nor any documents therein may be removed from the City's premises without the approval of the Human Resources Director.

Storage of Personnel Records

Personnel records are to be kept locked and maintained in a neat, orderly fashion. Personnel files will be maintained in two separate categories:

- Active employees
- Inactive employees

Content of Personnel Records

The personnel file shall consist of, but not be limited to, the following documents, as applicable.

- New hire paperwork;
- Policy acknowledgements;
- Background check and authorization;
- Data change forms;
- Evaluations;
- Disciplinary action with relevant documentation;
- Drug/Alcohol/Substance Abuse Test Results and authorization;
- Training and Development documentation; and
- Other employment related documentation not mentioned herein

Groups of files should be maintained separate from the personnel file for each of the following:

- All I-9 forms, further separated by active and terminated employees;
- All medical records;
- All garnishment records;
- All workers compensation records of injuries, illnesses and treatment; and
- Documentation gathered as a result of an investigation of disciplinary action.

POLITICAL ACTIVITY

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees who are not covered by the provisions of Texas Local Government Code §§143.001 et seq., may not (without consequences of disciplinary action up to and including termination):

- Publicly endorse or campaign in any manner for any person seeking a City of Edinburg public office if they are in uniform or on active duty.
- Use his/her position or office to coerce political support from employees or citizens.
- Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Use political advertisement on City-owned vehicles or on personal vehicles for employees receiving car allowance,
- Contribute money, labor, time, or other valuable thing to any person for City election purposes during working time.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* City of Edinburg City Council, Edinburg CISD, and Hidalgo County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.
- Employees are not required to contribute to any political fund or render a political service to any person or party. An employee shall not be removed, reduced in classification or salary or otherwise prejudiced by refusing to contribute to a political fund or to render a political service.

Civil Service employees shall be covered by the rules governing political activity in the provisions of Texas Local Government Code §§143.001 et seq.

Except as expressly provided by this policy, the City Council or the governing body of the City may not restrict an employee's right to engage in a political activity.

RETIREMENT

The City of Edinburg participates in the Texas Municipal Retirement System (TMRS) which provides retirement benefits to eligible employees. A deduction from the employee's earnings is supplemented by the City's two-to-one (2:1) matching contribution of 7% of gross income. **Participation by every full-time regular employee is a condition of employment.** All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Copies are on file in the office of the City Secretary.

The City of Edinburg participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's earnings is matched by the City for this benefit. **Participation by every employee is a condition of employment.**

Vesting: Vesting requirements are ten (10) years of service.

Retirement: Retirement eligibility is at age Sixty (60) with ten (10) years of service, or twenty (20) years of service at any age.

The City shall offer employees retiring with the City the option to purchase continued health benefits coverage, as outlined in Texas Local Government Code 175.001 et seq., as amended.

Some Sick Leave balance is also available for retiring employees with the City. Such balance is directed by the City Council and the Human Resources Department maintains these guidelines for employees to access.

SEXUAL AND OTHER UNLAWFUL HARASSMENT

All City employees are entitled to a workplace free of unlawful harassment by Management, Supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

Sexual Harassment. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- 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.
- Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.
- Harassment also includes, but is not limited to, retaliation for having reported or threatened to report harassment.

Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also **strictly prohibited**. This means that verbal or physical conduct that singles out, defames, or shows hostility or aversion toward someone because of age, race, religion, sex, color, national origin, citizenship, political affiliation, disability, veteran's status, or other unlawful basis, is also prohibited. Prohibited conduct includes, but is not limited to, insults, slurs, and negative stereotyping; threatening, intimidating, or hostile conduct; defaming jokes and comments; and writings or pictures that single out, defames, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet.

Harassment of any nature, when based on age, race, religion, sex, color, national origin, citizenship, political affiliation, disability, veteran's status, or other unlawful basis, **will not be tolerated**. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

Mandatory Reporting. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he/she has been subjected to conduct prohibited by this policy must report it immediately to:

- **His/her Department Director;**
- **Director of Human Resources (or designee);**
- **City Manager (or designee).**

Any Supervisor, Manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her immediate Supervisor and /or the Director of Human Resources (or designee). A Complaint of Sexual Harassment Form is available from the Director of Human Resources (or designee). Any employee with management responsibility who becomes aware of harassment in their work area must take corrective steps whether or not a formal complaint has been filed. Managers who fail to properly address harassment in their workplace may be disciplined, which may include termination of employment.

Under this policy, an employee may report to and/or contact the Director of Human Resources directly within ten (10) calendar days of incident, without regard to the employee's normal chain of command. Reports are required to be in writing and specific to the facts and date(s) to allow effective and thorough investigation by the City. All concerns/questions in should be addressed to:

Director of Human Resources
City of Edinburg
P.O. Box 1079
Edinburg, Texas 78540 - 1079
(956) 388-1873, ext. 8652 – Office Telephone

Civil Service employees are required to follow the complaint process as set forth in their departmental Standard Operating Procedures. The police department in accordance with its departmental policies and procedures will conduct investigations involving civil service employees.

In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

The alleged offending party may provide a written response to the allegation(s) within ten (10) business days of receiving the complaint.

After consulting with the Director of Human Resources, the City Attorney, and the City Manager and obtaining the approval of the City Manager, the Department Head may place the alleged offending party and/or complaining party on administrative leave with pay pending the completion of the investigation.

Withdrawal of a complaint will not necessarily end an investigation. The City may pursue an investigation with or without a pending complaint.

Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation **is prohibited**. Acts of retaliation must be reported immediately as set out above.

Retaliation by any person against anyone involved in the complaint process will not be tolerated and may result in discipline, which may include termination of employment.

Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, which may include termination of employment, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action, which may include termination of employment, will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

Within ten (10) work days of concluding the investigation, the Department of Human Resources will provide the City Manager and the Department Director and/or Division Head involved a report as to the validity of the complaint. Within ten (10) work days of receiving the Human Resources Department's report of Harassment, the Department Director and the City Manager will take appropriate disciplinary action. The Department of Human Resources may extend the ten (10) day deadline if necessary.

If the Department Director or Division Head is the alleged offending party, these actions will be taken to the City Manager only. For Department Directors who report directly to the City Council, the City Council shall determine the appropriate course of action.

SICK LEAVE

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for members of his/her immediate family who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Eligibility. All regular full-time employees begin accruing paid sick leave during their first full month of employment. Part-time, temporary, and seasonal employees do not accrue sick leave. Regular full-time employees who are in their initial probationary status may use accrued sick leave only if approved by their Supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

Accrual Rate. Sick leave for civil and non-civil service employees accrues at the end of each pay period of employment at a rate of 4.6150 hours for each pay period worked, totaling fifteen (15) work days each twelve (12) months. Sick leave accrues at the end of each pay period in which the employee works or is otherwise on an approved paid leave status. Fire protection employees on 24-hour shifts shall accrue sick leave at 6.3462 hours per pay period.

Maximum Accrual. The maximum sick leave time which may be accumulated by any employee shall be 110 days (880 hours), except that civil service peace officers may accumulate sick leave without limit and may use the leave if unable to work because of bona fide illness. If an ill peace officer exhausts that sick leave and can conclusively prove that the illness was incurred in the performance of duties, an extension of sick leave shall be granted.

Authorized Use of Sick Leave.

For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents him/her from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).

For the employee's immediate family. Sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured. For purposes of this policy, "immediate family" is defined as the employee's parents, current spouse, and children/stepchildren. Sick leave may also be used by employees for their own and/or their immediate family's scheduled doctor and dentist appointments (including foster children).

Failure to Report Absence/ Abuse of Sick Leave. Supervisors should closely monitor use of sick leave. It is anticipated that employees using paid City sick leave for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Brief limited errands, trips to the doctor, hospital stays/visits, or similar absences that are not in conflict with the reason for the employee's absence from work which take the employee away from

the home are acceptable, but other personal pursuits during paid sick leave will generally be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, will result in immediate disciplinary action, which may include termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence and will be subject to immediate disciplinary action, which may include termination of employment.

Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work elsewhere, including self-employment or volunteer work, during the period of leave, even if they have written authorization from their Department Director or outside employment. The only exceptions to this policy must be obtained in writing from the City Manager through the Director of Human Resources.

Documentation. Employees requesting paid sick leave must complete a Request for Leave/Absence Report and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for three (3) or more consecutive work days, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, which may include termination of employment.

Payment For Unused Sick Leave. No employee shall be entitled to payment in lieu of sick leave time (civil service peace officers follow their guidelines).

Exception: Employees hired before January 1, 2019 who are eligible to retire with 20 years or more of service to the city, retiring through our retirement plan (Texas Municipal Retirement System, being Tex Gov't Code 851.001 et seq. as amended), are entitled to receive in a lump sum payment, the full amount of their salary for accumulated sick leave up to maximum of 90 days of accrued sick leave. For an employee hired on or after January 1, 2019, employee must retire in good standing in order to receive the aforementioned benefit. For purposes of this section, an employee is deemed to have retired in good standing if the employee has complied with all obligations to retire through our retirement plan and there was no determination made nor action initiated to remove, or proposal to remove, the employee from employment for misconduct. A good standing determination may be appealed in writing to the City Manager within 30 days after retirement. Final authority to change a good standing determination rests with the City Manager.

SICK LEAVE SHARING

This policy is intended to assist regular full-time employees if an illness or injury forces the employee to exhaust all leave time, lose compensation from the City, and presents a financial hardship to the employee.

An extended sick leave sharing program, as described below, is available to full-time employees in the event of an illness or injury suffered by the employee. This program is available, subject to donated time and other restrictions set forth, after all paid leave has been exhausted.

- The employee requesting the donation must have exhausted all paid leave due to illness or injury affecting them.
- A physician's statement may be required by the Human Resources Director before an employee can be considered for this benefit.
- A qualified recipient may receive up to a maximum of 720 sick leave hours per calendar year (90 days).
- Partial day absences for medical treatments or convalescence qualify.
- Full-time employees may donate a minimum of 8 and a maximum of 120 sick leave hours per calendar year to a qualified recipient. When donating, a minimum of 40 hours must remain in the donating employee's sick leave bank.
- No full-time employee is required to donate any sick leave days under any circumstances.
- Donations of sick leave shall be made and received at the rate of one day's pay, regardless of the salary of the donor or the receiving employee.
- Employees who have been disciplined for sick leave abuse within the last 12 months will not be eligible to receive donations.
- No illness or injury of an employee's family will be considered for this program.
- Worker's compensation claims will not be considered for this program.

Any person may advise the Human Resources Department that a full-time employee is potentially a qualified recipient. Human Resources shall contact the potentially qualified recipient to ascertain if he/she wants the Human Resources Director to notify the employee's co-workers of his/her situation and solicit the donation of sick leave days from them. The Human Resources Director shall decide whether an employee is a qualified recipient of donated sick leave. If the qualified employee requests assistance, he/she shall submit a written request to the Human Resources Director. The request must be recommended by the Department Director and approved by the City Manager.

Eligibility Requirements/Donating & Receiving

Participation in this program is open to regular full-time employees with at least twelve months of continuous full-time service with the City of Edinburg. Employees may voluntarily donate 8 to 120 hours (1 to 15 days) of their accumulated sick leave balance. Donating employees are required to leave 40 hours minimum in their bank.

To be eligible to apply for Sick Leave Sharing, an employee must be classified as a regular full-time employee with at least twelve months of continuous full-time service with the City of Edinburg. An employee with written disciplinary action regarding unsatisfactory attendance within the last 12 months is not eligible.

A qualified recipient may receive up to a maximum of 720 hours of sick leave hours per calendar year (90 days), and an employee must:

- meet the basic eligibility requirements of the program,
- have exhausted all available paid leave benefits (sick, vacation, and holidays),
- exhibit a personal need that is consistent with the policy established regarding this program, and
- agree to abide by all requirements regarding program participation.



SICK LEAVE SHARING REQUEST

None of us can predict when illness will occur, but it is reassuring to know that when it does happen, help may be available.

To be eligible to apply for Sick Leave Sharing, an employee must be classified as a regular full-time employee with at least twelve months of continuous full-time service with the City of Edinburg. An employee with written disciplinary action regarding unsatisfactory attendance within the last 12 months is not eligible.

In order to apply for donation leave, an employee must:

- meet the basic eligibility requirements of the program (see policy),
- have exhausted all available paid leave benefits (sick, vacation, and holidays),
- exhibit a personal need that is consistent with the policy established regarding this program, and
- agree to abide by all requirements regarding program participation.

Name of Employee request is made for: _____

Briefly explain the reason you are requesting assistance for yourself or another employee.

What is the estimated date that you will be able to return to work?

I hereby affirm that the information provided in this application is truthful.

Employee Name and Title

Employee Signature

Date

Note: Submitting documentation the same week that payroll is being processed will place you at risk of not receiving a check for that payroll. Submit all required documentation to Human Resources as soon as possible with at least one (1) week before the effective pay period ending date.

Submission of request/documentation does not guarantee approval by City Management. _____
(Employee Initials)

I recommend the above applicant to receive funds from the Sick Leave Sharing Fund.

Hours awarded _____ (not to exceed 720 hours).

City Manager

Date

Human Resources Director

Date



SICK LEAVE SHARING DONATION

None of us can predict when illness will occur, but it is reassuring to know that when it does happen, help may be available.

The Sick Leave Sharing Policy is intended to assist regular full-time employees if an illness or injury forces the employee to exhaust all leave time, lose compensation from the City, and presents a financial hardship to the employee.

You may donate one day to 15 days (or 8 to 120 hours) of your accumulated sick leave balance into the fund. A minimum of 40 hours must remain in your bank.

*Thank you for caring enough about your fellow employee
by donating to the Sick Leave Sharing Fund.*

I realize that this is a one time donation, although I may choose to donate again in the future if made available.

Number of Hours Donated: _____ (No less than 8 hours or more than 120 hours)

Name of Person hours are being donated for: _____

Printed Employee Name

Employee Number

Employee Signature

Date

Note: Please note that submitting documentation the same week that payroll is being processed will place the employee at risk of not receiving a check for that payroll. Please submit all required documentation to Human Resources by no later than one (1) week before the effective pay period ending date.

Revised: July 6, 2018

SMOKING & TOBACCO USE

The City of Edinburg prohibits smoking & tobacco use within City Hall, other City buildings, or any City vehicle/equipment. Appropriate areas for smoking are designated with signs.

Employees violating this policy will be subject to disciplinary action up to and including termination.

SUBSTANCE ABUSE & TESTING

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

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

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

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

Use of Alcohol. The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his/her own personal vehicle while under the influence of alcohol. No employee in his/her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Use of Cannabidiol (CBD) Products. Under Texas law, legal Cannabidiol derived from the Hemp plant can contain up to 0.3% THC. Therefore Employees using legal Cannabidiol products may test positive for THC. Under this policy, THC is prohibited, and a positive drug screen for any prohibited substance will result in automatic termination. The City may in its discretion seek to accommodate the use of legal Cannabidiol when possible. Employees must submit a letter to the Human Resources Department attaching a copy of proof of use of legal Cannabidiol prior to the drug screening and requesting a reasonable accommodation. The City will then discuss the matter with the Employee and where applicable the Employee's Health Care provider to determine if such accommodation is appropriate under the circumstances. Employees who disclose use of legal Cannabidiol may be required to document that they are successfully following a prescribed treatment and to take and pass follow-up tests. Employees must also consult with their doctors about legal cannabidiol's effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

Fire and Police Department Employees. Certain City Fire and Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempt from certain portions of this policy under certain limited conditions; these employees will be advised in writing, by their respective chief, of the specific exemptions applicable to them. Additional guidelines may be established by Police and Fire Department operating procedures.

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

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

Off-Duty Conduct. The City may take disciplinary action, which may include termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Policy Violations. Violations of this policy can lead to immediate termination of employment. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

Types of Tests. Testing may include one or more of the following: urinalysis, hair follicle, saliva, breathalyzer, intoxilyzer, or other generally-accepted testing procedures.

Testing of Applicants. All applicants to whom a conditional offer of employment has been made will be required to submit to testing, within twenty-four (24) hours of receipt of the Conditional Offer of Employment Letter, for illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees.

A. Employees will be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. Return-to-duty testing shall be conducted when an employee has been absent for more than thirty (30) consecutive calendar days.

B. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

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

D. Random Testing. Employees governed by Dept. of Transportation (DOT) regulations and employees in position of trust (i.e. employees who handle City’s revenues) and/or drive, or are required to drive, in the scope of their employment for the City, will be subject to Random Testing. Employees are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee’s payroll identification number or other comparable identifying numbers. Each employee subject to this policy will have an equal chance of being tested each time random selections are made. The number of employees randomly selected will be in accordance with applicable DOT regulations. Each employee randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each employee selected for random testing must proceed to the test site immediately after notification; if, however, the employee is performing a safety-sensitive function at the time of notification, the City will instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. An employee will

be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

An employee that is not on duty or on leave (Annual Leave, FMLA, Workers' Compensation, Sick Leave, etc.), when the testing is being conducted, is excused and shall not to be called in to the test site. A copy of the Request for Leave/Absence Report shall be provided to the Department of Human Resources annotating the reason for his/her absence. An alternate name will be selected from an Alternate Listing that is generated by the drug testing facility in order to accomplish the testing requirements.

E. Initial tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time. If the employee challenges the validity of the test, then he/she has seventy-two (72) hours to request that the split specimen be sent for testing to another certified lab approved by the Director of Human Resources. The second test will be at the employee's own expense.

F. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action, which may include termination of employment.

G. A positive test result is a violation of the City's Drug and Alcohol Use Policy and shall result in immediate termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is eligible for future employment with the City at the discretion of the City Manager.

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

TERMINATION AND RESIGNATIONS

The City of Edinburg follows standard procedures for employment separations such as resignations, retirement and dismissals. The procedures enable the city to meet its staffing requirements when employees separate employment from the City and to handle the details of separation in compliance with state and federal regulations.

Voluntary Separation

Resignation: All non-exempt employees are requested to give two (2) weeks advance notice of resignation, all exempt employees are requested to give four (4) weeks advance notice of resignation to resign in good standing. An employee must submit a resignation in writing to their department supervisor and/or director that states the effective date of resignation.

Retirement: All non-exempt employees are requested to give two (2) weeks advance notice of resignation, all exempt employees are requested to give four (4) weeks advance notice of resignation to resign in good standing. An employee must submit a retirement resignation in writing to their department supervisor and/or director that states the effective date of retirement.

Involuntary Separation

Dismissal: The City may dismiss an employee's employment as result of unsatisfactory performance, conduct or violations of City policies and procedures.

Reduction In Force: An employee may be separated from employment with the City when it is deemed necessary due to financial or departmental operation changes or restructure of the organization such as shortage of funds or work, the abolition of positions, or for other reasons out of the employee's control which do not discredit the service of the employee.

In the event a reduction in force becomes necessary, employees will be retained primarily on the basis of their job performance, conduct, skills and length of service with the City. Employees released from employment due to reduction in force may have recall rights for a period of six (6) months. Civil Service employees have reinstatement rights under Chapter 143 of the Local Government Code.

Separation of Employment Procedures

(A) Return of City Issued Property: When an employee separates from employment with the City, the following procedures will be followed in order to ensure the safety of the City's assets and resources:

- (1) An employee will be disabled from access to Identification badge, building/property access, emails, laptop/computers & accessories, software programs, databases, etc.

- (2) An employee is responsible for returning all issued City property. This includes but is not limited to all electronic equipment, cellphone, supplies, materials, money, credit cards, car unit keys, building keys, workstation keys, equipment/lock keys, security access keys, uniforms, boots, hats, accessories, or any other property issued to the employee.

(B) Exit Interview: All employees terminating their employment with the City (whether voluntarily or involuntarily) shall go through the exit interview process. Employees will be given an appointment to visit with the Human Resources Department to return all issued City property, update master file information, review leave balances and any benefits that they employee may be eligible for.

(C) Final Pay: Final payment to employees who separate from the employment with the City will be paid in the form of manual check.

An employee who separates from employment will be paid for accrued compensatory time, vacation and sick leave as established by the policies in this manual (Refer to said policies).

An employee who separates from employment is responsible for returning all issued City property. The City may deduct the cost of repairing or replacing any City issued property that the employee damaged (other than normal wear and tear), loses, fails to return upon request or separation of employment, or take without appropriate authorization from the City of Edinburg during their employment.

Verification of Employment

All verification of employment requests will processed through the Human Resources Department.

TRANSFERS

It is the policy of the City of Edinburg to allow employees to transfer between departments within their employment following specific guidelines.

An employee may be considered for transfer to another department if they have demonstrated satisfactory performance in his/her current position.

Employees in their probationary period (initial 90 days employment) will not be considered for transfer without the express approval of the City Manager. The same applies to promotions.

When an employee is promoted to another position within the City of Edinburg, they will be placed on a new 90-day probationary period. There is no guarantee of returning to the previously held position (if vacant) if the employee does not work out in the promoted position (either on the part of the employee or hiring management).

Procedure

1. The employee requesting a transfer should first discuss the possibility with his/her immediate Supervisor/Department Director and complete a Personnel Action form.
2. Upon receipt of the transfer application form the current Supervisor/Manager should contact the 'new' Supervisor/Manager to discuss employee performance.
3. The employee requesting a transfer may receive an interview, but at no time is the transfer considered an automatic transfer because it is sought by the employee. The receiving department Supervisor/Manager shall select the most qualified individual for their opening.
4. If the employee is selected for the opening, the employee's current Supervisor/Manager will arrange for the release of the employee to the new department within two (2) weeks after being notified of the approval. Mutual agreement of the two affected Department Heads may extend this period.

TRAVEL

It is the policy of the City of Edinburg to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. It is preferred that City-owned vehicles be utilized, if available. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile, equivalent to the current rate paid by the state to its employees, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs and other modes of transportation. The City will pay for rental vehicles upon approval of the Department Director and City Manager.

Travel Approval and Cash Advances. All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. Travel expense reports shall be subject to audit by the Director of Finance and approval by the City Manager. In addition, any travel out of state must be approved by the City Manager as set out below.

Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/ reimbursed by the City.

Meal Allowance. The City shall pay actual necessary transportation and living expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. In lieu of itemized receipts for meals, a per diem allowance of \$40 per day is authorized based on \$10 for breakfast, \$15 for lunch, and \$15 for dinner. Even if supported by a receipt, reimbursement shall not exceed \$25 for any one meal. In Lieu of itemized receipts for meals for out-of-state travel, a per diem allowance of \$50 per day is authorized, based on \$15 for breakfast, \$15 for lunch, and \$20 for dinner.

Guidelines for departure/arrival times for meal reimbursements are:

DEPARTURE TIME FROM WORKPLACE***

before 7:30 a.m. (breakfast)

before 12:00 p.m. (lunch)

before 6:00 p.m. (dinner)

<p>ARRIVAL TIME AT WORKPLACE (from out of town travel)***</p>

6:00 a.m. thru 11:59 a.m. (breakfast only)

1:00 p.m. thru 6:59 p.m. (breakfast & lunch)

7:00 p.m. thru 12:00 midnight (breakfast, lunch & dinner)

Long Distance Phone Calls. Reasonable and necessary long distance business phone calls and computer related expenses for City business reasons only will be reimbursed. City owned cell phones may be available for use when an employee travels on City business. Employees who wish to use a City cell phone when traveling should contact their immediate Supervisor.

Non-Allowable Expenses. Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies;
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- *Alcoholic beverages;*
- Personal long distance telephone calls; and
- Other items of a personal nature.

Request for Reimbursement and Return of Unexpended Funds. Upon return to the City, a complete accounting of all expenditures of City funds is to be filed within five (5) days on the **City's Travel Request Form**. All unexpended advance funds must be returned to finance to obtain a receipt that will be attached with the form. Original receipts for all expenses, including hotel bills and registration fees, must be attached to the form. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

Travel to Training. The current mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City of Edinburg locations and/or facilities and/or outside of Hidalgo County. Reimbursement will only be made for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

Expenses Not Covered in Policy. The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the Travel Policy.

Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, which may include termination of employment.

TUITION REIMBURSEMENT/EDUCATIONAL ASSISTANCE

Beginning October 1, 2010 any full-time regular employee attending college accredited courses, (or approved vocational/technical courses) upon completion of such courses with a "C" or better, may have his/her tuition reimbursed at a rate determined ***according to amounts budgeted by the employee's department during each fiscal year*** up to a maximum of \$250.00 per course with a total FY maximum of \$1000.00 per employee, so long as the following guidelines are followed:

- 1) All regular full-time employees are eligible to request tuition reimbursement, once they have completed one year of service with the City.
- 2) Reimbursement of tuition is limited to college courses taken outside the employee's regularly scheduled work hours, and is limited to one course (3 to 4 semester hours) per semester. Schedules of tuition and required fees for Texas residents at state-supported colleges and universities will be the official guidelines in determining eligible fees. Reimbursement will not be considered for textbooks, supplies, parking, meals, housing, or other related expenses. An approved Degree Program must be submitted as part of the application package.
- 3) To be considered for reimbursement, courses must be taken from an accredited institution such as a college, university, technical, or business school. Accreditation and other questions will be handled on a case-by-case basis and in the sole judgment of the City Manager.
- 4) Continuing education courses are not eligible for reimbursement. Instead, these short-term courses should be funded through a department's training fund and applied for through the respective departments.
- 5) To be considered for reimbursement, the course must be directly related to the employee's work with the City and must be of benefit to the City.
- 6) In order to be reimbursed by the City, all courses must be approved in advance by the Department Director and City Manager.
- 7) If an employee receives tuition monies from any other source, such as scholarships, grants, and/or subsidy programs (i.e. the "G.I. Bill," L.E.E.P.), those funds will be applied first before City funds are approved for reimbursement. A copy of the financial award letter and/or tuition bill/receipt must be provided to the Department of Human Resources.
- 8) If an employee, who has received tuition reimbursement from the City, elects to leave the City within one (1) year of receiving tuition reimbursement, the employee shall reimburse the City for 50% of all monies received for tuition within the twenty-four (24) months preceding the resignation date. The employee must execute a

Tuition Repayment Agreement in order to be considered for tuition reimbursement approval.

- 9) A written Tuition Reimbursement Application Form must be submitted to the Department of Human Resources no later than ten (10) calendar days after registration for each request for reimbursement in advance of taking the course. Forms are available in the Department of Human Resources Office.
- 10) Grades must be submitted to the Department of Human Resources within thirty (30) days of receipt of the official transcript in order to receive reimbursement. A Request for Reimbursement Form must be submitted to the Department of Human Resources by utilizing a Tuition Reimbursement Request for Payment Form. The request must include an official transcript. In addition, in order for the request to be processed, the employee must request that the educational institution mail an official transcript to:

Director of Human Resources
City of Edinburg
P.O. Box 1079
Edinburg, TX 78540-1079

- 11) The department, upon receipt of approved Tuition Reimbursement Request for Payment Form, will be responsible for processing the reimbursement payment by utilizing a Check Requisition Form. The Check Requisition Form must include
 - i. a copy of the approved Tuition Reimbursement Request for Payment Form
 - ii. grade (copy of official transcript)
 - iii. tuition receipt

VACATION LEAVE

Regular full-time civil and non-civil service employees accrue vacation leave on a bi-weekly basis.

Vacation leave for non-civil service employees accrues after each pay period of employment at a rate of 4.6150 hours for each pay period worked, totaling fifteen (15) work days each twelve (12) months. Civil service employees with a completed twelve (12) years of service or more shall earn 5.5390 hours of vacation time for each full pay period employed, so as to total a minimum of 18 working days of vacation leave with pay each 12 months. Fire protection employees on 24-hour shifts shall accrue vacation time at 6.875 hours per pay period. An employee may not use any accrued vacation leave until he/she has successfully completed his/her initial employment probationary period. Employees may not "borrow" unearned vacation time; employees shall not receive payment of vacation in lieu of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn vacation leave.

Official City observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Paid vacation leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as vacation days.

Use and Scheduling of Vacation Leave. Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted (only in accordance with Family & Medical Leave Act), inability to get to work because of inclement weather, or for other purposes. Employees must schedule their annual vacation leave in accordance with their Department's guidelines governing vacation scheduling and utilizing the Request for Leave/Absence Report (2 weeks advance notice for approval in most instances). Whenever possible, vacation time will be scheduled at the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate Supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation. No more than fifteen (15) consecutive days of vacation time may be taken off, unless the City Manager grants an exception. *One week notice request, or as timely as possible, is required for taking vacation days in increments of less than 1 week in duration (example: 1 or 2 days off or an extended weekend).*

Maximum Accruals. For non-civil service employees, the maximum number of vacation days that may be accumulated is twenty (20) days (160 hours). Civil service employees may accumulate vacation time up to a maximum of 196 hours. All days in excess of the maximum are lost on the employee's next pay period. Employees will not be paid for vacation in excess of the maximum accrual or for vacation that is "lost". If the needs of the City and/or Department preclude the taking of a scheduled vacation, the Department Director may defer an employee's scheduled

vacation leave. In such cases, the Department Director shall grant the employee's deferred vacation leave within sixty (60) days.

Compensation for Vacation Leave. Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused vacation except upon separation of employment or if an employee is precluded from taking a scheduled vacation due to City and/or department needs as set out previously in this policy.

Upon termination, retirement, resignation, or death, a non-civil service and civil service employee shall be paid for accrued vacation leave up to a maximum of 160 hours at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed their initial probationary period of employment with the City are entitled to this payout provision upon separation.

Definitions.

A "vacation day" is defined as an 8-hour period for all employees, other than 24-hour fire shift employees. A "vacation day" for 24-hour fire shift personnel is defined as a 12-hour period. Employees are not required to take a full day of vacation.

VIOLENCE IN THE WORKPLACE / WEAPONS BAN

The City of Edinburg strives to provide a safe, secure and healthy working environment for its employees free from violence. Therefore, the City has a zero tolerance of workplace violence. All employees of the City are expected to treat each other and all others with courtesy, dignity and respect.

Zero Tolerance. Violence, as the term is used in this policy, includes written or verbal communications, whether direct or indirect, which are of a threatening, intimidating or coercive nature; the use or threat of physical force, including fighting, horseplay, harassment, hitting, slapping, stalking, vandalism or destruction of property, 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. The City of Edinburg has a zero tolerance for this type of behavior.

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 Director of Human Resources, and where applicable, the City's Police Department or other appropriate law enforcement agencies. The Director of Human Resources 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 may 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, and/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.

Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives, switchblades, etc., as defined by Texas Penal Code Section 46.05 (a).

All Weapons Ban. Unless otherwise authorized by law, employees are also prohibited from carrying a weapon, concealed or otherwise, while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives, switchblades, etc., as defined by Texas Penal Code Section 46.05 (a). Pocket knives no longer than 5 1/2" may be carried but not displayed in outer wear to be used for menial operations on the job. Employees who are licensed to carry and lawfully possess a firearm and/or ammunition in accordance with Chapter 411 of the Texas Government Code, may leave such firearm/ammunition in the employee's locked, privately owned vehicle in the parking lot the employer provides for employees.

Mandatory Reporting. Each City employee must immediately notify his/her Supervisor, Department Director, the Director of Human Resources, 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 Director of Human Resources.

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 Director of Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, 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 Director of Human Resources 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 including but not limited to those which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, entrances, exits, break areas, the library, recreation centers, swimming pools, and parks.

Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/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.

EMPLOYEE IDENTIFICATION BADGE

PURPOSE

The City of Edinburg is committed to providing a safe and healthful workplace for all employees. As part of this goal, the City is instituting an identification badge system for all City employees.

This Policy includes provisions for “Temporary” Identification Badges for service vendors and contractors working on City work sites, along with visiting individuals entering a “Secure Work Area.” For the purpose of this Policy, a “Secure Work Area” is an area within the department in which access is controlled and the general public and clients are normally not permitted to enter.

An Identification Badge Policy serves the dual purpose of readily identifying City employees and other authorized personnel, while providing measured protection against unauthorized personnel and intruders from entering designated secure work areas. The system is effective only if there is active cooperation and compliance by all employees at all times. Any laxity in compliance and enforcement subjects the entire system to failure.

In the best interests of the City and to make identification as easy as possible, one standard, with the exception of the Fire and Police Department, will be implemented City wide. This identification badge will also provide access to City buildings through keyless entry.

Department Heads

Department Heads shall ensure that this Policy is fully implemented and adapted to the needs of their departments and work locations. Department Heads shall ensure that the requirements of this policy are enforced for their Department. Department Heads will need to provide a list of regular full and part-time employees who will have keyless access to buildings and designated interior areas to IT for implementation/coding.

Managers and Supervisors

It shall be the direct responsibility of Managers, Supervisors, and other assigned personnel, that are designated in writing by their Department Head, to enforce the requirements of this policy.

All Employees

Employee Identification Badges shall be worn at all times by all employees, on any City work site (the only exception is for safety). For the purpose of this Policy, employees include regular full-time and regular part-time, temporary/intermittent employees, volunteers, and interns. An exception to this Policy would be for uniformed peace officers (specific ID badges were developed for the PD).

Contractors

All contractors in secure areas of City buildings shall wear “Temporary” Identification Badges. Contractors include individuals contracted by the City from temporary employment agencies and individuals working for agencies that have contracted business with the City.

Visitors

Non-employees, other than contractors who are authorized to enter secure-work areas shall wear temporary "Visitor" Identification Badges.

NOTE: A secured-work area is an area within the Department in which access is controlled and the general public or clients are normally not permitted to enter freely. Many designated secure areas are protected by coded, combination locks, locked doors, or other physical barriers that limit public access. The overriding factor in designating areas as secure is to ensure the safety and security of staff within those areas. The designation of secure areas is within the discretion and prerogative of Department Heads with City Manager approval.

CONTROL AND ISSUANCE OF BADGES

The employee badge consists of a hard plastic card, which on the face reflects the City name, Department name, a replica of City Hall, an accurate photograph of the employee, name, title and department. Some positions and departments may require variations of this policy if approved by City Manager.

In a growing effort to provide access control throughout the City, ID Badges will be printed on proximity cards. Each card will have a unique code and will provide access through particular doors and other controlled areas, on an as needed basis. IT will program particular card readers at designated locations with an employee's proximity card code, when permission to gain access to particular doors is approved by the Department Head. (Note: not all doors will have electronic access. Most internal doors will continue to have regular locks that require keys).

Because the card holds permission to gain access to particular doors, the ID Badge must be protected from non-authorized persons. If a card is lost, the proximity card system provides significant advantages over a lost key, as the system can maintain its integrity by the removal of this card from the database. Immediate notification to your immediate Supervisor, Department Head and IT is required for removal of the card from the database.

Identification badges for regular full and part-time employees will only be re-issued when the identification badge becomes damaged, lost, or the appearance of the employee changes to the degree that the photo is not a recognizable semblance of the employee.

There will be three types of temporary badges:

- Visitors
- Temporary (short-term or long-term) employees from agencies and
- Contractors

Upon initial implementation of this Policy, all incumbent employees will be issued Identification Badges and sign an Acknowledgement Form. Following implementation, new employees will be issued badges during orientation by Human Resources. Notification of said new employee will be sent via email to IT for determination of security clearance and respective coding of access level.

Employees will fill out and sign an “Employee ID Badge Acknowledgement Form” providing all required information and agreeing to abide by the Employee Identification Badge Policy (copy of the policy is on file in each department for reference) and the specific rules on the Acknowledgement Form.

SEPARATION/TERMINATION

Badges are the property of the City and are to be returned upon separation or retirement from the City. On a terminating or retiring employee’s last workday, the employee’s immediate Supervisor shall require the employee to surrender the badge, and the Supervisor shall return the badge to Human Resources. Human Resources will document that the badge was returned, notify IT and destroy the badge.

LEAVES OF ABSENCE (including FMLA)

An Employee who is on extended leave (30 days or more) will be required to turn in his/her Identification Badge to the Supervisor pending return to work. If the employee terminates or retires after the extended leave, the badge should then be turned in to Human Resources.

DAMAGED/LOST ID BADGES

Identification Badges that become damaged or are otherwise unserviceable shall be returned to Human Resources for replacement at no cost to the employee.

Each Employee shall not have more than one Identification Badge in his/her possession at any one time.

“TEMPORARY” ID BADGES

Temporary badges, short or long-term, are required for contractors, including individuals contracted by the City from temporary employment agencies.

The short or long-term temporary badge consists of a hard plastic card, which on the face reflects the City name, Department name, a replica of City Hall, with the words “Temporary” printed on the front of the Identification Badge. There is no name or photo on the badge. Each “Temporary” Identification Badge will have a unique number on the front, based on the number of badges that each Department requests. With the implementation of this Policy, Department Heads will designate a person to assign these temporary Identification Badges as needed.

A record of “Temporary” Identification Badge issuance shall be maintained (with badge number) at each respective Department issuance point(s). Individuals shall be required to sign for a temporary badge at the time of issuance and sign again when the badge is returned.

A guideline for the issuance of short-term vs. long-term temporary badges is thirty days; however security is the overriding concern, and the Department Head may issue photo ID to short-term, temporary employees with City Manager approval.

REQUIREMENTS AND ENFORCEMENT

Because the policy and procedures described herein are intended to provide for the safety and security of City staff, any employee who violates such policy may be subject to disciplinary action.

Employee Identification Badge

All employees are expected to fully comply with all provisions of this policy. Management staff and Supervisors shall enforce all provisions.

1. Identification Badges are to be worn at all times. Identification Badges are to be prominently displayed on the front of the person between the neck and above the hips and are to be worn clipped to a piece of outer clothing, or worn around the neck on a chain or necklace. It is at the discretion of the Department if lanyards are allowed in place of clips. It is at the budgetary discretion of the Department or cost to the employee. If a Lanyard is requested, the lanyard will be plain in color, and only the City of Edinburg Logo/Name or Department Name is allowed printed on the lanyard for City Identification Badges.
2. Identification Badges shall not be defaced or altered with stickers, decals, etc.
3. Employee Identification Badges are to be worn so that the photo is clearly visible to others.
4. For safety, employees performing certain jobs, such as maintaining or operating equipment, etc. should either clip the ID badge to their clothing, put the badge in their pocket, or keep their badge in their vehicle while in the field.
5. Each Employee is responsible for safeguarding his or her own Identification Badge, and any lost Identification Badge is to be reported immediately to his/her Supervisor. The Supervisor may authorize a "Temporary" Identification Badge until the regular Identification Badge can be replaced.
6. A lost Identification Badge may be replaced without charge on a one-time basis. All subsequent replacements of lost Identification Badges will be issued at a charge of \$15.00 to the employee.
7. If an employee reports to work without his/her Identification Badge, the following procedures will be followed:
 - a. **First & Second Occurrence:** The employee will be issued a "Temporary" Identification Badge for that day. The Supervisor will arrange for issuance of the "Temporary" Identification Badge from his/her Department issuance point. The Supervisor shall maintain a record of "Temporary" Identification Badges issued to employees, recording the employee's name, date of issuance and a brief notation of the circumstances. The issuance of a "Temporary" Identification Badge to an employee shall be restricted to two times only.

b. **Subsequent Occurrences**: Will be handled at the Department level and follow progressive disciplinary action as appropriate to insure compliance with this policy. Employees shall be sent home to retrieve their identification badges, and the time charged against appropriate earned accruals or leave without pay.

“Temporary” Identification Badges

The Department employee primarily responsible for a Contractor or Visitor shall arrange for issuance/retrieval of “Temporary” or “Visitor” Identification Badge, and shall assure that the individual wears it at all times while in the City workplace.

An employee who observes any individual without an Identification Badge in a “**Secure Work Area**” is to question the person and attempt to determine his/her identity and the reason he/she is in the particular area. The nearest available Supervisor should be summoned for assistance as the situation dictates. The same procedure should be followed if an employee observes a Contractor or Program Participant without an Identification Badge in other work areas.

However, if it appears to the employee that the individual may pose a threat, the employee should not confront the individual, but immediately notify the appropriate law-enforcement or security agency, then notify their Supervisor.

If the identity of the individual is established, the department employee primarily responsible for the individual should be contacted, and arrangements should be made to obtain a “Temporary” Identification Badge.

If the identity of the individual cannot be established, the Supervisor should escort the individual from the work area immediately. The Department Head and Risk Manager should be called for assistance if needed or indicated.

EMPLOYEE ID BADGE AUTHORIZATION FORM

An Identification Badge Policy serves the dual purpose of readily identifying City employees and other authorized personnel, while providing measured protection against unauthorized personnel and intruders from entering designated secure work areas.

RULES FOR IDENTIFICATION BADGE HOLDERS

- Do not lend your Identification Badge to anyone.
- Do not allow people to follow you into a secured access area of the building without knowing them or checking their ID.
- Do not leave badge on dash of vehicle or other locations where exposed to extreme temperatures.
- Do not fold, bend, pry open or mutilate your Identification Badge.
- Do not hold or prop doors open with your Identification Badge.
- Notify your Department if your Identification Badge is no longer in your possession.
- Notify your Department of any difficulties or problems with any Identification Badge.

A lost Identification Badge may be replaced without charge on a one-time basis. All subsequent replacements of lost Identification Badges will be issued at a charge of \$15.00 to the employee and/or Department. If an employee reports to work without his/her Identification Badge, the following procedures will be followed:

a. **First & Second Occurrence:** The employee will be issued a “Temporary” Identification Badge for that day. The Supervisor will arrange for issuance of the “Temporary” Identification Badge from his/her Department issuance point. The Supervisor shall maintain a record of “Temporary” Identification Badges issued to employees, recording the employee’s name, date of issuance and a brief notation of the circumstances. The issuance of a “Temporary” Identification Badge to an employee shall be restricted to two times only.

b. **Subsequent Occurrences:** Will be handled at the Department level and follow progressive disciplinary action as appropriate to insure compliance with this policy. Employees shall be sent home to retrieve their identification badges, and the time charged against appropriate earned accruals or leave without pay.

NOW, THEREFORE, EMPLOYEE ACKNOWLEDGES: I shall assume full responsibility for safeguarding my Employee ID Badge. Should loss or damage occur, as a result of negligence or willful neglect, it is incumbent on me to immediately report such loss or damage to the Department Director. Lost, stolen or damaged ID Badges will be replaced as indicated above. I further understand that ID Badges are assigned for individual use; therefore, the ID Badge assigned to me **MUST NOT BE USED** by anyone else.

IN WITNESS WHEREOF, I sign my understanding of my responsibilities.

By: _____
Signature

Date

Printed Name

Department

NATIONAL INCIDENT MANAGEMENT SYSTEM

GENERAL PURPOSE

The purpose of this policy/procedure is to establish and document the minimum training and documentation requirements for City of Edinburg. The City of Edinburg is establishing a single point of contact that will be responsible for implementing all components of the National Incident Management System (NIMS) in a timely manner. This point of contact is responsible for data entry and documentation in the NIMS Compliance Assistance Support Tool (NIMSCAST). NIMS will be incorporated into all emergency operations and emergency management plans.

The City of Edinburg has developed a process to ensure that the NIMS is accurately and effectively implemented. This process identifies the training and exercise requirements, along with the policy for implementing the NIMS. All Departments and all divisions within the Department are required to comply with this process and all associated procedures.

TRAINING AND EXERCISE

The City of Edinburg has identified the needs of NIMS training and the training levels required for our personnel. Based on the identification of these personnel, the following training and certification procedure is in effect:

Training should take place within the following time period based on the date of employment, service, promotion, or change of job duties. Classes IS 700, IS 701, IS 702, IS 703, IS 704, IS 705, IS 706, IS 707, IS 800b, IS 100, IS 200 are available online if a classroom event is not available. Log on to <http://training.fema.gov/IS/NIMS.asp>

1. IS 100 - one year
2. IS 200 - one year
3. IS 300 - one year
4. IS 400 - one year
5. IS 700a - one year
6. IS 701 - one year
7. IS 702 - one year
8. IS 703 - one year
9. IS 704 - one year
10. IS 705 - one year

- 11. IS 706 - one year
- 12. IS 707 - one year
- 13. IS 800b - one year

When available the City of Edinburg will participate in State, Regional, and local exercises, including Tabletops, Functional and Full-Scale exercises. Exercise participation is contingent upon available resources and funding.

POLICY AND PLANNING

The components of NIMS have been implemented into City of Edinburg policies and plans.

1. **COMMON OPERATING PICTURE.** A common operating picture is maintained through the use of the Incident Command System, common terminology and plain language.
2. **COMMON TERMINOLOGY.** Common terminology is utilized for all incident facilities and positions.
3. **PLAIN LANGUAGE.** Plain language shall be utilized in lieu of 10-codes, unless plain language institutes a threat to the safety and well-being of the responder, subjects or bystanders.
4. **PUBLIC INFORMATION SYSTEMS.** Public information is coordinated according to NIMS standards. Public Information Officers are utilized to interface with the media. All Public Information Officers are vetted by the Mayor and all press releases authorized by the Incident Commander prior to release.
5. **DOCUMENTATION.** Documentation is maintained on all department response activities. Additionally, certificates and training records shall be maintained for all personnel. NIMS implementation activities are documented on the NIMSCAST system. The National Incident Management System Compliance Assistance Support Tool (NIMSCAST) is a web based self-assessment tool for State, territorial, tribal, and local governments to evaluate and report their jurisdiction's achievements of all National Incident Management System (NIMS) Compliance objectives.

PROCEDURES

The following procedures shall be implemented, effective immediately upon approval of this implementation procedure.

A. NIMS & the City of Edinburg Point of Contact (POC)

1. The Emergency Management Coordinator shall appoint, in writing, an agency NIMS Point of Contact (POC) for NIMS implementation. The Assistant Emergency Management Coordinator will be the Point of Contact for the City of Edinburg.

2. Each department of the City of Edinburg identified in this policy under section II will forward all NIMS documentation to a single point of contact for NIMS implementation and record keeping within the Emergency Management Division.
3. The NIMS Point of Contact information shall be kept current and all changes shall be documented in NIMSCAST immediately upon modification of POC or POC information.
4. The City of Edinburg NIMS POC will research and inform all necessary personnel of changes in training requirements.

B. Training Compliance and Documentation of NIMS

1. Training shall be completed by all personnel in accordance with the requirements defined in Appendix 1 of this procedure.
2. The Department POC shall maintain documentation on all NIMS training and participation in all exercises by the City of Edinburg.
3. Appropriate metrics shall be completed in NIMSCAST by the agency NIMS POC, based on the implementation of NIMS. Fiscal Year metrics shall be documented in NIMSCAST each year. Any applicable changes must be documented immediately in the NIMSCAST system.

COMP-VACATION LEAVE SHARING

This policy is intended to assist regular full-time employees if a catastrophic illness or injury of an immediate family member forces the employee to exhaust all leave time, lose compensation from the City, and presents a financial hardship to the employee.

An extended comp/vacation leave sharing program, as described below, is available to full-time employees in the event of a catastrophic illness or injury of an immediate family member. This program is available, subject to donated time and other restrictions set forth, after all paid leave has been exhausted.

- A catastrophic injury or illness is defined as a life threatening or one that completely incapacitates an immediate family member. Examples include, but are not limited to: cancer, heart attack, or serious injuries from an automobile accident.
- Chronic illnesses or injuries which result in intermittent absences from work may be considered catastrophic (example: cancer and AIDS).
- The employee requesting the donation must have exhausted all paid leave due to their need to care, transport, or otherwise remain with their immediate family member.
- A physician's statement may be required by the Human Resources Director before an employee can be considered for this benefit.
- A qualified recipient may receive up to a maximum of 720 comp-vacation leave hours per calendar year (90 days).
- Partial day absences for medical treatments or convalescence qualify.
- Full-time employees may donate a minimum of 8 and a maximum of 120 comp or vacation leave hours per calendar year to a qualified recipient. When donating, a minimum of 40 hours must remain in the donating employee's vacation leave bank.
- No full-time employee is required to donate any comp or vacation leave days under any circumstances.
- Donations of comp or vacation leave shall be made and received at the rate of one day's pay, regardless of the salary of the donor or the receiving employee.
- Events that are of limited duration (less than 5 days) are not deemed catastrophic.
- Non-emergency elective surgery claims will not be considered for this program.

Any person may advise the Human Resources Department that a full-time employee is potentially a qualified recipient. Human Resources shall contact the potentially qualified recipient to ascertain if he/she wants the Human Resources Director to notify the employee's co-workers of his/her situation and solicit the donation of comp or vacation leave days from them. If the qualified employee requests assistance, he/she shall submit a written request to the Human Resources Director. The request must be recommended by the Department Director and approved by the City Manager. The Human Resources Director shall decide whether an employee is a qualified recipient of donated sick leave.

Eligibility Requirements/Donating & Receiving

Participation in this program is open to regular full-time employees with at least twelve months of continuous full-time service with the City of Edinburg. Employees may voluntarily donate 8 to 120 hours (1 to 15 days) of their accumulated comp or vacation leave balance. Donating employees are required to leave 40 hours minimum in their vacation bank.

To be eligible to apply for Comp-Vacation Leave Sharing, an employee must be classified as a regular full-time employee with at least twelve months of continuous full-time service with the City of Edinburg. An employee with written disciplinary action regarding unsatisfactory attendance within the last 12 months is not eligible.

A qualified recipient may receive up to a maximum of 720 hours of comp-vacation leave hours per calendar year (90 days), and an employee must:

- meet the basic eligibility requirements of the program,
- have exhausted all available paid leave benefits (sick, vacation, and holidays),
- exhibit a personal need that is consistent with the policy established regarding this program, and
- agree to abide by all requirements regarding program participation.



COMP-VACATION LEAVE SHARING REQUEST

None of us can predict when illness will occur, but it is reassuring to know that when it does happen, help may be available.

To be eligible to apply for Comp-Vacation Leave Sharing, an employee must be classified as a regular full-time employee with at least twelve months of continuous full-time service with the City of Edinburg. An employee with written disciplinary action regarding unsatisfactory attendance within the last 12 months is not eligible.

In order to apply for donation leave, an employee must:

- meet the basic eligibility requirements of the program (see policy),
- have exhausted all available paid leave benefits (sick, vacation, and holidays),
- exhibit a personal need that is consistent with the policy established regarding this program, and
- agree to abide by all requirements regarding program participation.

Name of Employee request is made for: _____

Briefly explain the reason you are requesting assistance for yourself or another employee.

What is the estimated date that you will be able to return to work?

I hereby affirm that the information provided in this application is truthful.

Employee Name and Title

Employee Signature

Date

Note: Submitting documentation the same week that payroll is being processed will place you at risk of not receiving a check for that payroll. Submit all required documentation to Human Resources as soon as possible with at least one (1) week before the effective pay period ending date.

Submission of request/documentation does not guarantee approval by City Management. _____
(Employee Initials)

I recommend the above applicant to receive funds from the Comp or Vacation Leave Sharing Fund.

Hours awarded _____ (not to exceed 720 hours).

City Manager

Date

Human Resources Director

Date

Revised: July 6, 2018



COMP-VACATION LEAVE SHARING DONATION

None of us can predict when illness will occur, but it is reassuring to know that when it does happen, help may be available.

The Comp-Vacation Leave Sharing Policy is intended to assist all regular full-time employees if an immediate family member suffers a catastrophic illness or injury forces the employee to exhaust all leave time, lose compensation from the City, and the situation presents a financial hardship to the employee. A catastrophic injury is defined in the policy.

You may donate one day to 15 days (or 8 to 120 hours) of your accumulated Comp or Vacation Leave balance into the fund (not 8-120 hours of each, but both added together). A minimum of 40 hours must remain in your Vacation bank.

***Thank you for caring enough about your fellow employee
by donating to the Comp-Vacation Leave Sharing Fund.***

I realize that this is a one time donation, although I may choose to donate again in the future if made available.

Number of Hours Donated: Comp Time: _____ Vacation Time: _____
(No less than 8 hours or more than 120 hours)

Name of Person hours are being donated for: _____

Printed Employee Name

Employee Number

Employee Signature

Date

Note: Please note that submitting documentation the same week that payroll is being processed will place the employee at risk of not receiving a check for that payroll. Please submit all required documentation to Human Resources by no later than one (1) week before the effective pay period ending date.

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TIMEKEEPING – EMPLOYEE TIME CLOCK

PURPOSE

All employees (exempt and nonexempt) are required to use the time clock system to record their hours worked. Nonexempt employees are required to clock in/out for payroll and attendance purposes. The timekeeping icon on their computers will be used to track attendance for the exempt employee.

Employees are required to clock in/out at any time clock located in their building using their employee id number with finger identification (biometric). If there is a problem with the time clock, the employee should notify the supervisor and the supervisor will direct the employee to the next appropriate time clock station.

Employees should clock in no sooner than 7 minutes before/after the scheduled shift and clock out no later than 7 minutes before/after the scheduled shift. Nonexempt employees are required to clock in/out for lunch breaks in addition to the beginning and end of the day, unless instructed otherwise by their Department Director.

If the employee misses an entry into the timekeeping system, the employee will notify the timekeeper/supervisor as soon as possible. The timekeeper/supervisor will manually enter the employee's work hours via the supervisor time clock portal. Employees who consistently miss time clock entries will be subject to disciplinary action.

Nonexempt employees are permitted to work overtime with prior authorization from the supervisor. Overtime includes clocking in early, late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization will be subject to disciplinary action.

Employees may not use another employee's id number to clock in or clock in for another employee.

Supervisors are free to use discretion in disciplinary actions when employees have various, albeit repeated offenses to the time keeping policy and/or procedure. This could include situations where employees may have clocked in, but are repeatedly absent from their work station during work hours or have missed time clock entries in addition to working unscheduled overtime.

Please refer to the City of Edinburg's Employee Conduct and Work Rules/Progressive Discipline policy for direction on the appropriate disciplinary actions.

MOTHER-FRIENDLY WORKSITE

PURPOSE

The City of Edinburg is committed to providing a ‘Mother-Friendly’ employee worksite lactation support program in accordance with the Texas Health and Safety Code 165.003. The program provides a work environment that is supportive of lactating mothers and encourages breastfeeding of their children for up to one year or beyond following their birth.

The City of Edinburg, along with the Texas Legislature, recognizes that breastfeeding a baby is “an important and basic act of nurture that must be encouraged in the interests of maternal and child health,” recognizes a mother’s responsibility to both her job and her child when she returns to work, and acknowledges that support of breastfeeding “benefits the family, the employer, and society.”

The City of Edinburg encourages employees and management to have a positive accepting attitude toward working women and breastfeeding. The City of Edinburg promotes and supports breastfeeding and the expression of breast milk by employees who are breastfeeding when they return to work. Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

MEALS AND BREAKS

The City endeavors to give all non-exempt/hourly employees two (2) paid 15-minute break periods in a work day of 6 or more hours per day, in addition to a minimum of a 30-minute lunch break.

For breastfeeding employees, lactation times shall be established based on the individual’s work schedule. If possible, the lactation time will run concurrently with any break time already provided. Lactation time beyond the regular break time is unpaid, unless an arrangement is negotiated between the employee and management.

Department Heads

Department Heads shall ensure that this Policy is fully implemented and adapted to the needs of their departments and work locations and ensure that the requirements of this policy are enforced. Department Heads will also educate their staff that discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

Managers and Supervisors

It shall be the direct responsibility of Managers, Supervisors, and other assigned personnel, that are designated in writing by their Department Head, to enforce the requirements of this policy.

LACTATION FACILITIES

The City of Edinburg shall provide a private, accessible area, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, for the purpose of expressing breast milk each time such employee needs to express milk.

Facilities will be made available that include:

- A locking door, an electrical outlet, a clean work surface, and comfortable chair.
- A safe, clean water source for washing hands and cleaning breast pump equipment within the designated lactation room.
- A clean refrigerator used for the sole purpose of storing expressed breast milk and/or the employee's personal cooler.

In addition, an employee may choose to use her private office or other space, identified in consultation with her Manager/Director.

CODE OF ETHICS POLICY

The public trust essential for effective government rests on having governmental officers and employees who perform their duties equitably and with integrity without using public office for personal gain. Public trust is impaired whenever an actual or potential conflict exists between the private interests of a governmental official and their official duties.

In order to protect the public and the public servant alike, both citizens and those serving them need to know the standards of conduct expected of City officers and employees. They also need to know that a system exists for requiring adherence to standards set for interpreting those standards and the conduct of public officials.

A. STATEMENT AND PURPOSE OF THE POLICY

It is the official policy of the City of Edinburg that in all cases its elected and appointed officers and employees perform their duties for the benefit of the City of Edinburg. They shall conduct the affairs of the City with integrity and impartiality, without allowing prejudice, favoritism, or the opportunity for personal gain to influence their decisions or actions or to interfere with serving the public interest.

Continuing observance of this policy is essential to maintaining the public trust necessary for good government. This Code of Ethics is to establish guidelines for an ethical standard of conduct for officers and employees of the City of Edinburg and to insure compliance with those guidelines.

B. PERSONS COVERED BY THIS CODE

Provisions of this code applies to all officers and employees of the City of Edinburg, including members of Boards and Commissions appointed by the City Council. The term “*officer*” applies throughout this Code to elected and appointed officials, including the Mayor and City Council, members of Boards and Commissions appointed by the Mayor and City Council, as well as to other municipal officers.

C. STANDARDS OF CONDUCT

Every officer or employee of the City of Edinburg shall be subject to and abide by the following standards of conduct:

1) Impartiality

Every officer and employee shall perform his duties with impartiality and without prejudice or bias for the benefit of all citizens of the City of Edinburg. No officer or employee shall grant or make available to any citizen any consideration, treatment, advantage, service or favor not available to every other citizen.

2) Record Retention

Records are defined broadly to include almost any type of business information, and the required retention period varies with the type of record. Falsifying records; deliberately concealing records; destroying records in bad faith; exploiting confidential information; or otherwise mishandling records shall not be tolerated.

- a) As a local government entity, the City of Edinburg adheres to Texas Local Government Code, Chapters 202-204, addressing record management. Records management includes the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping (*Texas Local Government Code §201.003(13)*).
- b) When a lawsuit is filed or is reasonably anticipated to be filed against the City of Edinburg or when an internal or governmental investigation is initiated, the City ensures that all information potentially relevant to the suit or investigation is preserved. The City shall take steps to ensure potentially relevant information is not inadvertently destroyed pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of emails.

3) Fraud

Fraud is broadly defined, and may include any type of intentional deception for personal or business gain or damage to an individual or organization. Examples of fraud include, lying on an employment application, falsifying records, or providing false receipts for reimbursement from the City of Edinburg, not revealing a financial interest in an entity doing business with the City.

Employees and elected or appointed officials must be good stewards of resources entrusted to them and exercise due diligence to prevent and detect criminal conduct and noncompliance with applicable laws and regulations. Employees are strongly encouraged to report suspected fraud, waste, abuse, or non-compliance to the appropriate supervisor or manager. Engaging in acts of fraud may result in civil or criminal liability.

4) Equal Opportunity Employment

The City is an equal opportunity employer and is committed to complying with all applicable state and federal laws, rules, and regulations that prohibit discrimination based on race, color, sex, religion, national origin, age, or non-job related physical disability.

5) Sexual Harassment and Sexual Misconduct

- a) Sexual harassment in the workplace is prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature may constitute sexual harassment when submission to or rejection of this explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
- b) If an employee believes that he or she is being subjected to sexual harassment or sexual misconduct by any person in the workplace, or if an employee witnesses any incident that appears to be a violation of the City's Sexual Harassment policy, the employee may report the incident to the appropriate supervisor or manager. Alternatively, if the subject of the employee's complaint is their supervisor or manager, that employee may report the complaint to the Human Resources Department, a higher level supervisor or manager, the City Attorney's Office or any other City employee in a managerial capacity.

Employees who report sexual harassment are protected against retaliation by state and federal laws.

- c) Supervisors or managers who receive reports of sexual harassment or sexual misconduct are required to act expeditiously in response to such reports regardless of the form of the complaint ("formal" or "informal") and regardless if the report was made in written or verbal form.

6) Conflict of Interest

- a) No officer or employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect. Personal interest as distinguished from financial interest includes an interest arising from blood or marriage relationships or business or political association.
- b) No officer or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City. Nor shall they use such information to advance the financial or other private interests of themselves or others.
- c) No officer or employee shall use the prestige or power of their office or employment for their private gain or for the private gain of another.
- d) No officer or employee shall engage in or accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.
- e) Local public officials (including a member of the governing body or another officer, whether elected, appointed, paid or unpaid, of any district including a transit authority or district), as well as certain other employees involved with contracting, are subject to the conflict of interest provisions, in Texas Local Government Code, Chapter 171. Chapter 171 establishes the standard for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide, or vote on a particular item.
- f) Other state and federal laws may be applicable to officials and employees in particular situations. For example, Chapter 176 of the Local Government Code requires members of the governing body and executive officers of local government entities to file a conflicts disclosure statement relating to a person that the governmental entity has contracted with or is considering contracting with if the local officer or his or her family members have certain business relationships with that person. Organizations should work with legal counsel to determine whether its activities are subject to any such provisions.

7) Personal Use of the City's Property

No officer or employee shall use City supplies, equipment, vehicles, or facilities for any purpose other than the conduct of official City business, unless otherwise specifically provided for by law, ordinance, or City policy.

8) Gifts and Honoraria

- a) No officer or employee shall directly or indirectly solicit, accept or receive any valuable gift or benefit, whether in the form of money, services, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift or benefit was intended as a reward for an official action on his part or was intended to influence the employee, or could reasonably be expected to influence him, in the performance of his official duties.
- b) Under *Texas Local Government Code Chapter 176*, a local government officer must disclose a vendor's offer of gifts to the officer or to the officer's family member if the aggregate value of the gift exceeds \$100 using the Conflict of Interest form approved by the Texas Ethic Commission. The Form requires disclosure even if the officer refuses the gift. An officer commits a Class C misdemeanor if the officer knowingly violates the disclosure requirements.

D. PERSONNEL RESPONSIBLE FOR OVERSIGHT OF COMPLIANCE

- 1) The City Manager is charged with monitoring compliance within the organization and taking appropriate action in response to compliance related complaints.
- 2) The Finance Department is responsible for oversight of financial reports and establishing and maintaining an adequate internal control structure with appropriate checks and balances.
- 3) All employees are required to perform their official duties in a lawful, professional, and ethical manner; practice responsible stewardship of organizational resources, and are strongly encouraged to report any conduct or activity that they believe to be in violation of the City's Code of Ethics Policy. Employees shall not knowingly make false or misleading statements, oral or written, while conducting City business and shall not disclose confidential or sensitive organizational business information without prior written authorization.

E. APPROPRIATE CARE IN DELEGATION OF SUBSTANTIAL DISCRETIONARY AUTHORITY

In order to avoid the delegation of substantial discretionary authority to individuals whom the City knows or should know, have previously engaged in illegal activities, criminal background checks, among other measures, are conducted as part of post-offer employment for potential new employees, temporary employees, and regular volunteers.

F. COMMUNICATION & DISTRIBUTION OF THE CODE OF ETHICS

The City's Code of Ethics, including any amendments and all related materials, shall be distributed to employees, volunteers, city officers appointed or elected, and the City's agents via written, electronic, or verbal communication.

G. TRAINING

- 1) Employees and volunteers shall receive training of the City's Code of Ethics during orientation and annually thereafter and sign an acknowledgement of receipt of the City's Code of Ethics and its understanding thereof.

- 2) Elected Officials & Board/Commission Members shall attend periodic training and acknowledge in writing that they understand the ethical standards, have abided by them, and will continue to abide by them. New officials &/or board members are to make this written acknowledgement when they take office or appointment.

H. AUDITING/COMPLIANCE

- 1) Periodic internal audits and other risk evaluations to monitor compliance and address identified problem areas shall be conducted.
- 2) Employees shall be encouraged to report non-compliance issues to management or utilize the City's Anonymous Fraud Hotline without fear of retaliation.

I. VIOLATIONS

- 1) Violations of any provision of this Code may constitute a case for censure, suspension, disciplinary action including termination of employment, or criminal prosecution as determined by the appropriate City authority.
- 2) In an effort to prevent future violations, policies will be reviewed and revised when needed to ensure the issue is addressed programmatically and employees will be trained on the policy revision(s) to ensure their understanding of organizations' expectations.

RELATIONSHIPS IN THE WORKPLACE AND FRATERNIZATION

The City of Edinburg believes in providing a work environment where employees maintain clear boundaries between employee personal and business interactions for effective city or government operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

A. STATEMENT AND PURPOSE OF THE POLICY

The City of Edinburg encourages a professional and discrimination free atmosphere at work for its employees. Interpersonal relationships between employees may become a concern if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the office; or harming the goodwill and reputation of the City among its customers or in the community at large. This policy establishes guidelines for an effective work environment and proper standards of conduct in working relationships as employees of the City of Edinburg.

B. STANDARDS OF CONDUCT

1) Management & Subordinate Employee –

Individuals in supervisory or managerial roles and those with authority over others to include supervision, and/or terms and conditions of employment, are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions. An employee at this capacity level should not engage in a non-professional relationship with a subordinate employee within the same department that could potentially have the appearance of creating or promoting special treatment for the subordinate employee.

In the event of such relationship, the employees involved will be given the opportunity to choose which of them will be reassigned to an alternative available position where special treatment will not be an issue, or one or both employees may be subject to disciplinary action, including dismissal, depending on the nature of the situation.

Employees at all levels, especially managers, are reminded that the qualities of good judgment, discretion, and compliance with guidelines are all taken into account when considering future advancement opportunities.

2) Employees of the Same Level.

If a relationship in the workplace between two or more employees at any level:

- a. has the potential or effect of involving the employees, their coworkers, or the company in any kind of dispute or conflict with other employees or third parties;
- b. interferes with the work of any employee;
- c. creates a harassing, demeaning, or hostile working environment for any employee;
- d. disrupts the smooth and orderly flow of work within the office, or the delivery of services to the company's clients or customers;
- e. harms the goodwill and reputation of the company among its customers or in the community at large; or
- f. tends to place in doubt the reliability, trustworthiness, or sound judgment of the persons involved in the relationship,

the employee(s) responsible for such problems will be subject to disciplinary action, up to and including reassignment or termination of employment, depending on the circumstances.

C. PERCEPTION OF MISCONDUCT

Employees who conduct themselves in such a way that their actions and relationships with each other become the object of gossip among others in the office, or cause unfavorable publicity in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such situation, the employees involved should request guidance from their supervisor, Director. If no resolution is found, please refer to the Department of Human Resources to discuss a resolution that would avoid violation of policy. Failure to seek such guidance or resolve the issue may subject the employee(s) to disciplinary action, up to and including reassignment or termination of employment.

D. CITY EQUIPMENT AND FACILITIES

No employee may use company equipment and facilities for non-work related activities or relationships without the approval of assigned supervisor or director.

E. VIOLATION OF POLICY

Violations of this policy will be deemed as insubordination, and may lead to further disciplinary action including up to reassignment, transfer to another available position, possibly in a different department/division, and/or termination of employment, depending on the circumstances.

