

# **CITY OF ROCKDALE**

# **PERSONNEL POLICY**

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## **Article 1. Purpose**

### **Section 1.01. Basic Objectives.**

The objective of this Personnel Policy is to facilitate efficient and economical service to the public and to provide for a fair and equitable system of personnel management. While these rules and policies include precise statements of policies and procedures, they are not intended to cover every conceivable personnel situation that may arise. These policies are subject to the City Charter and may be supplemented with administrative regulations in addition to the rules and policies set forth. For this reason, considerable latitude is given to the City Manager for administration of these policies. It is expected that amendments and revisions affecting personnel policies will be made from time to time as necessary and desirable in the discretion of the City Manager, subject to approval by the City Council.

### **Section 1.02. Applicability.**

These rules shall apply to and govern all employees of the City of Rockdale, except to the extent, if any, inconsistent with State or federal law. Words used in the singular shall be construed to include the plural and words used in the masculine or feminine gender shall be construed to include both genders.

## **Article 2. General Provisions**

### **Section 2.01. Code of Ethics.**

All employees shall strive to uphold the Constitution and laws of the United States, the State of Texas, and the Charter and ordinances of the City of Rockdale, and all employees shall also strive to be:

- (a) Honest and trustworthy in what they say and write and in all professional and employment relationships;
- (b) Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
- (c) Fair and considerate in the treatment of fellow employees and citizens, addressing concerns and needs with equity, granting no special favors;
- (d) Committed to accomplishing all tasks in a superior way, and abstaining from all job behavior that may tarnish the image of the City or public service;
- (e) Aware and recognize that public and political policy decisions are ultimately the responsibility of the City Council; and
- (f) Dedicated to service to improve the quality of life in the City of Rockdale.

This Code of Ethics requires hard work, courage, and difficult choices. However, employees and citizens will be better served by doing what is right rather than what is expedient.

### **Section 2.02. Political Activity.**

When on duty or in uniform, an employee of the City may not engage in any political activity relating to a campaign for any elective public office. No employee of the City shall, at anytime, make, solicit or receive any contribution to the campaign funds of any party, interest group or candidate for use in any city election; and no employee shall participate in any political activity or campaign for or with respect to any candidate in a City election.

For the purposes of this section, a person engages in a political activity if the person:

- (a) makes a public political speech supporting or opposing a candidate;
- (b) distributes a card or other political literature relating to the campaign of a candidate;

- (c) wears a campaign button;
- (d) circulates or signs a petition for a candidate;
- (e) solicits votes for a candidate; or
- (f) solicits campaign contributions for a candidate.

When not on duty or in uniform, an employee of the City may engage in political activity for and with respect to political parties, candidates and elections for and with respect to governments and entities other than the City; provided that an employee may not under any circumstance use the fact of his/her City employment to solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs; and provided further that this provision shall not be interpreted to prevent any employee of the City from making private comments to friends, family and co-workers about or with respect to any candidate for office.

### **Section 2.03. Disclosure of Religious Affiliations.**

No question in any text in any application form or in any personnel proceeding, or of any appointing authority, is intended to or shall be so framed as to attempt to elicit information concerning religious affiliations of any applicant or employee. No appointment to, or removal from, a position with the City shall be affected or influenced in any manner by any religious opinion or affiliation. Employees may decline to respond to any inquiry regarding religious affiliation.

### **Section 2.04. Nepotism.**

- (a) No person related, within the second degree of affinity (marriage) or within the third degree of consanguinity (blood), to the Mayor or any member of the City Council shall be employed or appointed to any office, position or clerkship or other service of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of election or appointment of the official related in the prohibited degree.
- (b) Relatives and members of the immediate family shall not be appointed to serve in positions in the same department or in the departments that work closely together unless specific written approval has been obtained from the City Manager. Department supervisors who believe any such appointment is justified may present to the City Manager the reason and needs which are the basis for requesting the appointment. The City Manager's written approval shall be required to make any such appointment official and the City Manager's decision shall be final.

**Section 2.05. At Will Employer.**

All employees are hired for an indefinite period of time, and either the employee or the City is free to terminate the employment relationship at will, and at anytime, with or without cause.

**Section 2.06. Financial Responsibility of Employees.**

Employees of the City are expected to maintain a good credit standing in the community and to pay obligations promptly. The City shall in no way serve as a collecting agency or arbitrator and employees shall make reasonable provision for the payment of personal debts, or take other appropriate action to assure such failure shall not interrupt, interfere with or be detrimental to the City services. Credit checks may be required for those applicants in offices of trust.

**Section 2.07. Outside Employment.**

Occasional and part-time work will be allowed if approved in writing by the department heads or City Manager on a case-by-case basis, and if the work does not constitute a conflict of interest, does not interfere with the employee's performance of duties with the City, and does not involve the use of City time or equipment. Full-time employees approved to hold outside employment may not work more than twenty-four (24) hours in any workweek and such employment shall not interrupt, interfere with or be detrimental to the performance of the employee's duties. Any injury occurring while engaged in outside employment shall be reported immediately in writing to the City Manager. An injury occurring while engaged in outside employment may reduce the benefits otherwise granted by these policies. Employees must provide a waiver release from outside employer.

**Section 2.08. City-Owned Vehicles.**

All employees who drive City-owned vehicles in the performance of their duties are responsible for their proper operation. No City vehicle, equipment, or emergency vehicles housed at an employee's home is to be used for personal business, except as *specifically approved in writing* by the City Manager. No employee shall operate a City vehicle unless the employee shall have a valid drivers license appropriate for that vehicle; and any employee required to operate any motor vehicle as part of his/her job duties shall immediately notify the City Manager, in writing, in the event the employee's drivers license expires, lapses or is suspended. Periodic examination of driving records may be required. In case of accident, employee must notify City Manager within 24 hours if any accident damage occurs. City vehicles must have a permanent City Seal/City Identification and City Department except vehicles used for Police Department as unmarked vehicles.

On November 24, 2008, the Rockdale City Council adopted Resolution R2008-11-24 which established a policy for City vehicles that may be taken home. The resolution states that take home vehicles should be limited to on-call personnel living within two (2) miles of the Rockdale city limits. The city manager has determined that on-call positions are limited to three (3) for Public Works, two (2) for Police Services, one (1) for Fire Command, and one (1) for city manager.

### **Section 2.09. Driver Insurability.**

Employees whose positions require the operation of a motor vehicle are expected to obey all traffic laws and avoid accidents at all times, even when driving their own vehicles during non-working hours. Failure by such employees to maintain a satisfactory driving record shall be deemed a violation of this policy and shall subject the employee to dismissal. Employees whose employment duties include the operation of a City vehicle and whose license is suspended shall immediately inform the employee's department head and the City Manager of such suspension. Offenses that are almost certain to result in action affecting employment include (a) a conviction for driving under the influence of alcohol or drugs; and (b) a City employee operating a City vehicle while his/her license is suspended.

### **Section 2.10. Employment Conditions.**

Subject to budgetary decisions and the discretion of the City Manager, continued employment with the City shall be contingent upon the employee's compliance with the provisions of these rules. Within thirty (30) days after the adoption of these rules and at the time of employment of each new employee, a copy of these rules shall be furnished to each employee.

### **Section 2.11. Equal Employment Opportunity Policy.**

Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, separation, or any other aspect of personnel administration, because of political or religious opinions or affiliations, or because of race, color, national origin, age, sex, marital status, or other non-merit factors is prohibited. In those instances, if any, in which specific age, sex, or physical or mental requirements constitute a necessary occupational qualification for proper and efficient administration, appropriate consideration of such factors is permitted. Any employee who feels he/she has been discriminated against may process a grievance in accordance with Article 9.

### **Section 2.12. City Property.**

No employee may take, acquire or purchase any property of the City, of any nature or kind whatsoever, for himself or any other person; provided that this section shall not prohibit any employee from bidding and purchasing surplus city property at a properly noticed public auction authorized by the City Manager or the City Council.

**Section 2.13. Amendment and Revision of Rules.**

Recommendations for amendment and revision of these rules may be made by the City Manager to the City Council for its approval. These rules and any subsequent amendments thereto may be amended from time to time in the discretion of the City Manager; provided only that no such amendment shall be effective until approved by the City Council.

**Section 2.14. Violations of Policy.**

Any employee who violates any personnel policy of the City of Rockdale may be subject to disciplinary measures up to and including termination. No employee shall have a right to disciplinary measures that are progressive. Consideration may be given to the individual circumstances when determining disciplinary action.

**Section 2.15. Employee Purchases.**

- (a) No employee may make purchases on behalf of the City in excess of \$500 without first obtaining a purchase order issued by the City Manager or his/her designee.
- (b) Purchases made without an approved purchase order will become the responsibility of the employee making such purchases.
- (c) Credit Card Policy – No personal purchases allowed.
- (d) Any purchase of meals or food require prior approval by the City Manager. A list of attendees and the purpose of function must accompany the receipt. Only the City Manager, City Secretary, and Treasurer may designate use of the City credit card (to be used for business purposes only).



### **Article 3. Organization and Administration**

#### **Section 3.01. Organization of Personnel.**

- (a) **The City Council.** The compensation of all appointive officers and employees is provided for by the City Council through the budget process.
- (b) **The City Manager.** The City Manager will advise the City Council on personnel matters and recommend changes in the personnel policies, rules and regulations, and any other changes which the City Manager may deem necessary or expedient.

The City Manager is responsible for the administration of the personnel program of the City and the setting of compensation rates of all appointed officer, and City employees. The City Manager may appoint a Human Resources Director to assist in the administration of such program. The City Manager may establish policies for the day-to-day management of the City which are not inconsistent with this Policy Manual and may discipline any employee of the City up to and including termination. No classification of employees or changes in employee pay or pay category may be made without the written approval of the City Manager. The City Manager may authorize department heads to appoint and remove all employees of their respective departments.

- (c) **Human Resources Director.** The Human Resources Director, herein the HR Director, may represent the City Manager with regard to routine administration of all phases of these rules and policies. Absent a HR Director being appointed: (i) all references herein to the HR Director shall be references to the City Manager; (ii) the City Manager may designate officers and employees of the City to perform any act or function provided herein to be performed by the HR Director or the HR Office.
- (d) **Department Heads.** Department heads are expected to effectively supervise their employees and to maintain proper working relationships and to ensure employee compliance with this manual and all other policies or procedures of the City. To that end, department heads (i) may adopt and enforce departmental regulations that are not inconsistent with these rules and regulations; (ii) shall report on the efficiency of their subordinates and notify the HR Director of changes in the duties of the employees, in order that the City's classification plan may be maintained; (iii) will recommend to the City Manager merit increases for their employees; (iv) department heads shall set the example for all subordinates on behavior and compliance with the policies and procedures of the City and be subject to discipline by the City Manager for such actions as failure to comply with the policies, rules and procedures including failure to adequately supervise personnel in the department such department head supervises; (v) department heads shall report all disciplinary matters to the HR Director and coordinate discipline of employees with the HR Director; and (vi) have the power of appointment and removal in their departments, including the power to appoint foremen

and supervisors subject to the written approval of the City Manager. The appointment of new employees by department heads will be made only from eligible applicants referred to them by the HR Director. Transfers and reclassifications should be consummated only after consideration of information contained in the individual's file and approval of the City Manager.

### **Section 3.02. Policy on Implementation & Administration of Personnel Policies.**

- (a) **Implementation.** The City Manager and HR Director and, as directed by the City Manager, each Department Head shall administer and implement the personnel policies of the City of Rockdale.
- (b) **Deviations From Policies.**
  - (i) Subject to the right of the affected employee to appeal to the City Manager, the department heads may deviate from these policies with respect to the assignment, discipline or termination of any employee when, in the judgment of the City Manager, such deviation is in the best interest of the City.
  - (ii) If circumstances make it advisable to deviate from any of the personnel policies, the department head responsible for overseeing the department involved may provide a written report to be filed with the HR Director. The report should provide:
    - 1. Details of the action taken which deviated from the existing policy;
    - 2. A description of the circumstances resulting in the recommended deviation from the existing policy; and
    - 3. A statement of why the deviation was in the best interest of the City and/or other parties involved.
  - (iii) Amendments of the Personnel Policy Manual need to be approved by the City Council.

### **Section 3.03. Policy on Dissemination of Personnel Policies.**

- (a) **Master Personnel Policy Manual.** A Master Personnel Policy Manual, which contains the original of all personnel policies in effect for the City of Rockdale, shall be maintained in the office of the City Secretary.
- (b) **Personnel Policy Coordinator.**
  - (i) The HR Director, in addition to the duties identified herein, shall serve as the City's Personnel Policy Coordinator.

- (ii) The duties of the personnel Policy Coordinator shall include:
  1. Maintaining the Master Personnel Policy Manual and updating the manual whenever a change, addition or deletion is made in the City's personnel policies;
  2. Providing each department head with copies of new or changed policies and information when policies are deleted so that the department head will be able to update the department's copy of the Personnel Policy Manual when a change, addition or deletion is made;
  3. Coordinating recommendations for additions, deletions and changes in personnel policies;
  4. Developing and implementing a system for notifying all City employees whenever a change, addition or deletion is made in the City's personnel policies; and
  5. Conducting an annual review of all personnel policies to determine if they are consistent with actual practices and in compliance with legislation relating to the personnel function and the relationship between the employer and employee.
  
- (c) **Dissemination.** Each department head shall:
  - (i) Cause each employee to receive a copy of the Personnel Policy Manual and to sign an acknowledgment indicating such receipt;
  - (ii) Inform each employee that he or she should be responsible for being familiar with the policies, and
  - (iii) Take active steps to see that each employee has the opportunity to become knowledgeable on the policies.
  
- (d) **Access To Policy Manuals.** All employees are responsible for becoming familiar with the Personnel Policy Manual. Employees have the right to review the Master Personnel Policy Manual or the copy of the Personnel Policy Manual found in their departments, during the normal workday or at other times approved by the HR Director or the employee's department head.

## **Article 4. Applications and Conditions of Employment**

### **Section 4.01. Basis of Employment.**

All initial employment with the City shall be based on job related qualifications, including but not limited to, knowledge, skills, ability, physical fitness and required licenses, as determined under the authority of the City Manager based upon:

- (a) Education, training and work experience as reflected by the application form, plus other documentary evidence as to certification, registration, licenses, etc.
- (b) Job related written and/or performance tests.
- (c) Job related physical examination and drug screening test, if applicable to the position.

### **Section 4.02. Residence.**

All employees required as part of the employee's duties to be on call will be expected to reside within a reasonable response time of the office as defined by the Department Head and as approved by the City Manager.

### **Section 4.03. Application and Selection Procedures.**

All persons seeking initial employment or re-employment will be required to complete, sign and file an application with the HR Department. Application forms will be secured from and returned to the HR Office prior to the posted deadline. Referrals will be made from the City's applicant database. Suitable and eligible candidates will be selected according to the requirements on the job description; which will include education, skills, experience, and duties, etc. If the interviewer determines that a candidate is acceptable, the HR Office will then check references, etc. and, subject to such information being found satisfactory, then the candidate can be scheduled for an interview. Candidates may be required to complete typing, data entry, aptitude physical and/or psychological testing as applicable. Interviewers must complete and return interview forms after the interviews. No formal job offers are to be made at the time of the interview. Copy of driving record shall be required for those employees who operate City vehicles.

### **Section 4.04. Appointments.**

No formal job offers are to be extended prior to completion of the entire interview process. The final employment of any applicant may be subject to such applicant passing a physical exam and drug screening, if required. The selection shall be reported to the City Manager for approval. The HR Director shall schedule an appointment with the preferred candidate for

enrollment and orientation. If no candidate possessing the minimum qualifications is located or approved, a lesser-qualified person at a lower job classification may fill the budgeted position.

#### **Section 4.05. Physical Standards.**

- (a) **Medical Examinations.** Any and all new and former employees may be subject to undergoing a prescribed medical and physical examination to be made by some officially designated medical authority. Those positions specifically identified and designated as positions requiring medical and physical examinations shall undergo a prescribed medical and physical examination to be made by the officially designated medical authority. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be made as near the effective date of employment as possible. The HR Office has the responsibility of making appointments and arrangements for obtaining the examination, and matters concerning the initiation and completion of the requirements should be taken up with the HR Office.
- (b) **Exceptions.** Physical standards and requirements will vary somewhat in accordance with the duties and working conditions as generally set forth in the specifications for various positions and also as to anticipated length of employment. The HR Director will advise the examining medical officer regarding any special or unusual requirements of this nature. The opinion and recommendation of the examining medical officer will determine the acceptability of any person for employment, to perform the required duties of the position. The examining medical officer will complete and forward to the HR Director the prescribed form indicating specific recommendations. Any discrimination on the basis of disability is prohibited. All applicable ADA (Americans With Disabilities Act) guidelines will apply.

#### **Section 4.06. Age Requirements.**

Within statutory limits and the restrictions of State or Federal law, minors may be considered for employment in positions of a non-hazardous nature. In all instances, the parents of such minors shall be required to execute a waiver and release form provided by the HR Director. Any related questions, which cannot be satisfactorily solved by the HR Director, will be referred to the City Attorney, whose ruling shall be final. The employment of any person less than eighteen (18) years of age, in a full-time position, shall require the review and approval of the City Manager.

#### **Section 4.07. Standards of Conduct.**

Employees of the City are the "Good Will Ambassadors" of the City, and such status involves a degree of duty and obligation regarding public and private conduct above and beyond other classes of employment. City employees should at all times promote the good will and favorable attitude of the public toward the City Administration and its program and policies.

**Section 4.08. Types of Positions.**

- (a) **Regular Full-Time Employee.** A regular full-time employee is an employee serving in a position budgeted for forty (40) or more hours per week for fifty-two (52) weeks per year. Regular full-time employees may be considered exempt or non-exempt. Exempt, means that they are not subject to the hourly requirements of the Fair Labor Standards Act. Employees in regular full-time positions shall be eligible to participate in group insurance programs and be paid for holidays, accrue vacation and sick leave, and participate in the Texas Municipal Retirement System. An employee's regular full-time status begins on their 91<sup>st</sup> day of employment (considered "Evaluation and Training Employee" for first 90 days).
- (b) **Part-time Employee.** A part-time employee is an employee serving in a position that is budgeted for, or regularly scheduled to work less than 1000 hours per year. Part-time employees shall be eligible for paid holidays on a pro-rated basis.
- (c) **Temporary Employee.** A temporary employee is a part-time or full-time employee that is appointed for a specific period of time, with an anticipated date of termination indicated at time of appointment. Temporary employees are not eligible for benefits unless approved by the City Manager unless specifically provided for in these policies, or required by State or Federal Law.
- (d) **Evaluation and Training Employee.** All newly hired employees shall be subject to a ninety (90) day evaluation and training period or longer if extended. During the initial 90 day evaluation and training period, employees are not eligible for any type of leave available to regular full-time employees. All employees shall be subject to being placed on evaluation and training status for disciplinary reasons for a term to be determined in writing at the time the evaluation and training status is instituted.

**Section 4.09. Work Assignments.**

- (a) The City Manager or his/her designee is responsible for all work assignments.
- (b) Every effort will be made to retain regular hours and assignments.
- (c) The City Manager or his/her designee may alter work assignments, work hours or work stations due to illness, absence, vacation, emergency or other circumstance. Alterations of this nature are considered temporary and may last as long as the precipitating condition lasts.
- (d) Each employee will receive and acknowledge by their signature a written job description at the time of employment.

- (e) Any permanent change in work assignments will be made in writing and discussed fully with the employee prior to the change.

#### **Section 4.10. Disqualification for Employment.**

The HR Director or the department head of the applicable department may reject any application, which indicates on its face that the applicant does not possess the minimum qualifications required for the position if:

- (a) the applicant does not meet the experience and/or education requirements of the job description for the position to which the applicant seeks appointment;
- (b) the applicant appears to have made false statements in the application or in the examination or appears to have practiced or attempted to practice deception or fraud in connection with such application;
- (c) the applicant tests positive for drug use;
- (d) the applicant's criminal background information is unsatisfactory;
- (e) the position is one requiring more than 20 hours per week and the applicant is receiving pension benefits under a retirement plan of the City;
- (f) the applicant refuses to participate in a retirement system, insurance or social security program required by this policy; or
- (g) for any other grounds set forth in these policies, rules and regulations.

#### **Section 4.11. Training of New Hire.**

When the employee first reports for work, the employee shall be notified of the fact that the employee will be in training for several months. During this time, the supervisor shall observe the employee's work with particular care, train, and advise the employee in the performance of his/her duties, and let the employee know if the employee is progressing satisfactorily.

#### **Section 4.12. Drug Screening.**

The City may perform pre-employment, post-accident, and reasonable cause drug screening of all employees and may perform pre-employment, post-accident, and reasonable cause drug screening of all employees in positions that mandate such screening. Random drug testing may be performed with respect to all-employees.

## **Article 5. Attendance and Leave**

### **Section 5.01. Request for Excused Absence.**

It shall be the duty of the respective department head to monitor schedules to ensure that an adequate work force is available. All requests for leave will be made by the employee completing and delivering a leave form to the employee's department head, who will sign the form if the leave is approved or denied, and submit said form to HR for approval. If the form is not complete, is not submitted in a timely manner, or the employee does not have the requested time, the form will be returned to the employee, or to the supervisor who will notify the employee.

### **Section 5.02. Vacation Leave.**

Vacation leave is earned by regular full-time employees according to the schedule set forth in paragraph (a) below. No vacation or other annual leave will be earned by temporary employees.

- (a) Regular full-time, non-exempt employees shall be eligible for vacation leave as scheduled with the approval of the department head or, as applicable, City Manager, to the extent of leave accrued and credited to the employee. Part-time, non-exempt employees shall be eligible for vacation leave at a prorated share of the time worked per period base on the schedule below. An employee is not eligible to use any accrued vacation until after one (1) year of continuous employment with the City. Vacation leave shall thereafter accrue as follows:
- |        |                                    |
|--------|------------------------------------|
| 1 – 7  | years service – 80 hours per year  |
| 8 – 15 | years service – 120 hours per year |
| 16+    | years service – 160 hours per year |
- (b) An employee may carry forward, at the end of anniversary date, vacation leave not to exceed 80 hours of annual vacation time. **Any deviation from this policy requires prior approval by the City Manager.**
- (c) Vacation leave may be taken in increments of 1 hour or more.
- (d) In the event that an employee resigns, dies or is terminated after the satisfactory completion of one year of continuous employment, accrued vacation time will be paid to the employee or the employee's beneficiary. **If employee was approved to carry forward more than 80 hours of vacation on their previous anniversary date, the maximum amount**



of vacation time to be paid will be the amount of time accrued for the current year plus a maximum of 80 hours of vacation time carried forward from previous year.

### Section 5.03. Hours of Work.

City Hall shall be kept open continuously from 8:00 a.m. until 5:00 p.m. Monday through Friday, except on the designated holidays. All other City offices shall have regulated hours of operation.

### Section 5.04. Workweek.

- (a) Designated work weeks for all non-Law Enforcement City employees will be from 6:00 a.m. each Monday until 6:00 a.m. the following Monday; for Law Enforcement employees the designated work period will be a fourteen (14) day period beginning at 6:00 a.m. on Monday and continuing for 14 days, thereby ending at 6:00 a.m. on Monday 2 weeks after the beginning of the work period. The designated 14 day "work period" for Law Enforcement employees will be the same days as the 14 day "pay period." In order to comply with FLSA, dispatchers are set at forty (40) hour work weeks instead of eighty (80) hour pay periods. Dispatchers are considered as clerical, not law enforcement. Dispatcher work weeks will be from 11:00 a.m. each Saturday until 11:00 a.m. the following Saturday.

Pay checks will be distributed on every other Friday following the close of the pay period on the previous Monday. Pay periods will be from 6:00 a.m. on Monday until 6:00 a.m. on Monday fourteen (14) days later unless otherwise designated. If payday falls on a holiday, paychecks will be distributed on the last workday prior to payday.

- (b) Except as specifically directed by the City Manager from time to time for the accomplishment of City business, all offices and departments of the City will be closed on Saturday and Sunday except the Police Department and Public Works on-call, which must remain operating to continue service. Employees necessary to operate departments not closed on Saturday and Sunday will be chosen by the department head. The City Library shall have hours of operation on Saturdays.
- (c) Part-time employees will only receive pay for the time actually worked, which time must be verified by the appropriate department head. Part-time employees are eligible for vacation, sick leave and holiday benefits. Part-time employees are eligible for retirement per TMRS and other benefits.
- (d) Temporary employees will only receive pay for the time actually worked, which time must be verified by the appropriate department head. Temporary employees are not eligible for vacation, sick leave, retirement, group insurance, holiday pay, or other similar benefits.

**Section 5.05. Overtime.**

When necessary, in order to maintain the proper City services, employees may be required to work overtime. Non-exempt employees will receive overtime pay. All non-exempt employees required to work overtime shall be compensated at one and one-half times their regular rate of pay. Information on all forms of overtime is to be turned over to the City Manager or Finance Department at the end of each pay period. The form is to be signed by the employee and the department head before paychecks are distributed.

- (a) All overtime must be **approved** by supervisors and the City Manager and will be allowed when deemed absolutely necessary to finish a project.
- (b) When ordered for the maintenance of essential City functions, overtime shall be allocated as equitably as possible among all non-exempt employees qualified to do the work.
- (c) Supervisors will initial all overtime on the employee's time sheet.
- (d) Department heads are charged with authorizing the use of overtime and likewise with assuring non-abuse of overtime and the inadvertent use of such by non-exempt employees.
- (e) Exempt employees shall not be eligible for overtime unless authorized by the City Manager.

**Section 5.06. Attendance.**

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. If an employee has an unexpected absence, the employee shall call or notify his/her supervisor within the hour prior to when the employee is to report to work. Failure to notify the supervisor may result in disciplinary action. Excessive tardiness, neglect of duties, or unauthorized absences will be grounds for dismissal. If the immediate supervisor is not available to report the unexpected absence, the employee shall report to the HR Director, or designee, directly. All department heads shall report all expected absences for training, vacation and other planned leave as soon as known. All department heads shall report to the HR Director, or designee, any sick leave to be taken as soon as such is known. The HR Director and department head shall ensure adequate supervision of the department in the absence of the department head. If no other supervisor exists for the department, the HR Director, or designee, shall supervise the attendance of the department in the department head's absence and may designate a supervisor of such department. The HR Director, or designee, shall keep daily attendance records of employees and all absences shall be reported on a leave form and turned in with the department time sheets each pay period. Department heads shall report personal vacation time and sick time used each pay period to the HR Director. The HR Director, or designee, shall be responsible for keeping true and accurate

attendance records for each employee and ensuring each employee's attendance in compliance with this policy manual. The HR Director, or designee, may check time sheets for any department for accuracy.

Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor. Also, should an employee be required to work past normal quitting time, employee will be considered to be abandoning his/her position unless approved to leave by the supervisor. Each employee may be required to work on a regularly scheduled day off. Refusal to work will be grounds for dismissal.

### **Section 5.07. Holidays.**

The City will observe holidays as approved by the City Council. The City Council may add, change, or delete the official holidays. The following provisions shall apply to holidays:

- (a) As many employees as reasonably possible in the discretion of the City Manager shall be given each holiday off consistent with the maintenance of essential municipal functions.
- (b) Regular full-time non-exempt employees shall be entitled to a paid holiday equal to the hours regularly scheduled work day worked of such employee's regular rate of pay. No hours worked will be reflected on the employee's time sheets for holidays for which the employee is paid and does not work. Part-time, non-exempt employees shall be eligible for vacation leave at a prorated share of the time worked per period base.
- (c) For all employees regularly scheduled to work Monday through Friday, if a holiday falls on Sunday, the holiday will be observed the following Monday. If a holiday falls on a Saturday, the holiday will be observed the proceeding Friday. For all other employees working a seven-day a week flexible schedule, the holiday shall be observed on the day upon which it falls.
- (d) Temporary employees may be given holidays off without pay.
- (e) An employee who is absent without authorized, pre-approved leave time on the working day immediately preceding or following a holiday, will lose pay for the holiday. Authorized leave is time defined as pre-approved vacation time, bereavement, verified emergency leave or an illness that pre-dates the holiday or is physician-verified.
- (f) Holidays falling within an employee's approved vacation period or within a period of absence approved for sick leave shall not be charged against the vacation or sick leave.

**Section 5.08. Sick Leave.**

- (a) **Definition and Accrual Rates.** Sick leave is defined as fully compensable absence from work arising from any illness, sickness, off the job accidental injury, or on the job injury as defined or allowed by Section 5.11 of this Article. All regular full-time employees shall accrue 8 hours of sick leave for each month of service or twelve (12) working days per twelve (12) calendar months of employment, up to the maximum number of hours permitted by this Section. Use of accrued sick leave will commence after the first six months of employment. Part-time employees shall accrue sick leave in proportion to hours worked. Temporary employees shall not accrue sick leave.
- (b) **Maximum Sick Leave Accrual.** Unused sick leave time may be accumulated up to a maximum of 1040 hours. Unused sick leave will only be paid in accordance with the conditions of 5.08(e).
- (c) **Proper Use of Sick Leave.** Sick leave shall not be considered as a right which an employee may use at the employee's discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or, in instances which qualify under FMLA, the employee's child, parent, or spouse or a legal dependent of the employee or the dependent's spouse.
- (d) **Reporting Sick Leave Absences.** In order to receive compensation while on sick leave, an employee shall notify the employee's immediate supervisor within the hour prior to the time set for the employee to begin the employee's daily duties. If the employee is unable to contact his/her supervisor, the employee shall notify the supervisor's designee. Failure to give such notification, except in emergency or unusual circumstances, will cause an employee's absence to be charged as "leave without pay", and shall subject the employee to disciplinary action and or termination.
- (e) **Evidence of Illness.** Sick time in excess of two days OR three or more days during a two-week period is paid only if the employee provides a doctor's written statement, evidencing the employee did seek medical attention, showing the time of appointment or the time he or she was seen by the doctor, which would allow us to apply the appropriate travel time for this appointment, and if unable to return to work the date the doctor thought the employee should be able to resume his or her duties. In the event employee will not or does not furnish said notice, the time missed can be charged against any earned vacation time due the employee, at the employee's option. In the event the employee does not have vacation time available, the employee will not be paid for the time missed. An employee claiming absence due to illness or injury for himself/herself is required to produce a doctor's written statement giving a release for him/her to return to work. Failure to provide such a doctor's statement may result in disciplinary action and or termination.

(f) **Sick Leave Reimbursement.** An employee may be reimbursed for unused sick leave under the following conditions:

1. Employees with five (5) years of service;
2. Thirty days accumulated sick leave, and
3. No more than 25% (3 days) of sick leave used during calendar year

Employees meeting the above conditions are eligible to exchange the balance of three days, less actual sick leave used for a cash incentive of \$50.00 per day. The maximum incentive to any employee is \$150.00 per calendar year. For the purposes of this policy only, calendar year commences in December and ends in November. Federal law will require appropriate withholding to be made.

The following is an example of the reimbursement plan:

Days Earned	Days Taken	Eligible for Exchange	Exchange Value
12	0	3	\$150
12	1	2	\$100
12	2	1	\$ 50

**Section 5.09. Military Leave.**

**Military Leave Allowance.** Military leave will be permitted as required by §431.005, Tex. Gov. Code, which provides in part as follows:

"(a) All officers and employees of the State of Texas and of any county or political subdivision thereof, including municipalities, who shall be members of the State Military Forces, or members of any of the Reserves Components of the Armed Forces, shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be engaged in authorized training or duty ordered or authorized by proper authority, for not to exceed fifteen (15) days in any one calendar year."

"(b) Members of the State Military forces, or members of any of the reserve components of the Armed Forces who are in the employ of the State of Texas, who are ordered to duty by proper authority shall, when relieved from duty, be restored to the position held by them when ordered to duty."

**Section 5.10. Emergency Leave.**

- (a) **Emergency (Funeral) Leave.** All regular full-time employees may be granted emergency (funeral) leave with pay as follows with supervisor's prior approval:
- (1) For a period not to exceed three (3) days – Employee's spouse, father, mother, brother, sister, son, daughter, step-son, step-daughter, grandfather, grandmother, grandchild and step-grandchild.
  - (2) For a period not to exceed two (2) days – Employee's Aunt, Uncle. Spouse's father or mother, brother, sister, grandmother, grandfather.
  - (3) For a period not to exceed four (4) hours – employee's personal involvement of a non-family funeral.

It will be the employee's responsibility to establish relationship of kin to protect emergency (funeral) leave pay.

**Section 5.11. Injuries.**

- (a) **General.** Unpaid leave resulting from or necessitated by injury shall not exceed **90** consecutive calendar days. Leave for more than **90** consecutive calendar days constitutes an unusual hardship on the City and may result in termination of employment. The City will have the right to follow the usual procedure to fill any position previously held by an employee that has been on leave for more than **90** days.
- (b) **Injury On the Job (Leave and Compensation).** Injury leave is defined as compensable absence from work arising from an on the job accidental injury. When an employee is injured on the job, such injury shall be immediately reported to the employee's supervisor, who shall take the steps the supervisor feels necessary to secure proper first aid or other treatment for the injured employee. The employee shall also complete an accident report and forward copies to the HR Director within next working day after the accident. The department head shall, to the extent the employee is aware of the injury, be further responsible for causing the report to be promptly completed and delivered to the HR Director. An employee on injury leave will not accrue vacation time or sick leave while off duty. Accruals will begin upon date employee returns to work.

An employee injured on the job shall be granted injury leave, without pay except as listed below, for the period not to exceed **90** consecutive calendar days. A doctor's statement that the employee is unable to return to work shall be required for an employee to receive injury leave. The continuation of injury leave so granted shall be in the discretion of the City and, subject to these policies and applicable law, may be terminated at any time.

In the event that an employee is injured by external and violent means while engaged in the actual performance of duties and the employee is temporarily incapacitated as a direct result of such injury, the employee may be entitled to injury leave at full pay for a period of seven (7) working days following the day of injury.

In the event that an employee is temporarily incapacitated as a direct result of such injury for 28 days or more and therefore paid by TML for the first seven (7) working days following the day of injury the employee shall reimburse the City of Rockdale for wages paid during the first seven (7) working days.

Any employee so injured on the job shall be covered by and entitled to the benefits provided under the Texas Worker's Compensation Act. Such employee's fitness and duty to return to work shall be determined under the provisions of the Worker's Compensation Act. During the period of such injury leave, the employee's compensation will be made up from (1) the weekly benefits payable under the Worker's Compensation Act; (2) the disability benefits, if any, payable under the City group health and accident insurance program; and (3) sick leave pay, from accrued sick leave if any, in an amount that when combined with other benefit payments may equal but shall not exceed the employee's regular salary. An employee shall forfeit all rights to injury leave, as distinguished from the employee's rights under the Worker's Compensation Act, if the employee: (1) is found to be working on a self employed basis or for any other employer, either part-time or full-time, for financial gain, (2) resigns from City employment, (3) is discharged, (4) retires or dies, (5) fails or refuses to comply with or follow, or disregards or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury, (6) refuses to perform light, partial or part-time duty when offered by the department head and which does not require the employee to perform activities which are restricted by the treating physician, (7) falsifies or misrepresents his/her physical condition or capacity, (8) refuses to return to duty on the working day the employee has been released to duty by the treating physician, (9) fails to submit an acceptable physician's statement when requested by the employee's supervisor. **Prior to returning to work, the employee must provide a written release from the treating physician stating that the employee is released to return to regular duties with no restrictions.**

- (c) **Non Job Related Injury** (Leave and Compensation). An employee injured or becoming ill off the job shall have the resulting absence from work, if any, charged against the employee's accumulated leave at a rate of one full hour for each full working hour's absence.

After the expiration of the employee's leave time all compensation payment by the City will cease. Leave beyond this shall be addressed under the Family Medical Leave Act (See: Article 5, Section 5.17). Leave beyond the allowable time addressed under the Family Medical Leave Act (12 weeks) may result in termination of employment. **Prior to returning to work, the employee must provide a written release from the treating physician stating that the employee is released to return to regular duties with no restrictions.**

- (d) **Accidents Involving Motorized Equipment.** If an employee is injured while operating motorized City equipment or if an auto accident in which the employee is injured occurs while the employee is on duty, a motor vehicle accident report form, as provided by the State, shall be prepared by the City's Police Department. The HR Director and department head shall be immediately notified and the department head shall respond to the scene of the accident. A copy of the Police Department's accident report, and, to the extent possible given the employee's injuries, an accident report completed by the employee and the department head, shall be filed with the Personnel Office within the next working day.

### **Section 5.12. Professional Leave with Pay.**

Department heads may grant employees special leave with pay and actual expenses to attend professional conferences, conventions or short courses or to visit other cities in the interest of the City, as authorized by the City Manager. The City Manager shall also determine whether or not an employee attending any such training will use a city vehicle, or be reimbursed for mileage for use of a personal vehicle.

(a) **Transportation.**

- (i) An employee using a private motor vehicle for transportation incurred on official City business will be reimbursed at the prevailing rate the Internal Revenue Service allows for reimbursement, not to exceed the total amount authorized in the City's budget. Mileage will be allowed for the most direct route on major highways. **The point of departure for each travel expense shall be City Hall.**
- (ii) **Toll roads may be used by necessity as an entry or bypass to a city during rush hour. The City Manager may review toll road fees and, if found to be in violation, require the employee to reimburse the City. When necessary, TxTags purchased by the City should be utilized to keep toll expenses to a minimum.**
- (iii) When using air travel or other forms of public transportation, receipts must accompany the expense report. Parking, tolls, and other incidental costs incurred must be supported by receipts. If travel involves the use of a rental car, the cost of the rental car plus any fuel charges that are supported by receipts are eligible for reimbursement.
- (iv) When two or more employees on City business travel together, only one may claim the mileage reimbursement. This provision does not preclude any passenger from receiving reimbursement for other eligible expenses.



- (v) Air travel or other forms of public transportation may be eligible for reimbursement of the total cost when it is to the City's benefit, even though it costs more than private motor vehicles.
- (b) **Lodging.**
- (i) Reimbursement for lodging will be actual single rates. Lodging receipts must accompany the expense report.
  - (ii) If two or more employees share room, reimbursement may be claimed by only one employee.
- (c) **Meals.**
- (i) Employees traveling outside the City on official City business shall be reimbursed at the prevailing rate the Internal Revenue Service (IRS) allows for reimbursement, not to exceed the total amount authorized in the City's budget. For more information, go to <http://www.defensetravel.dod.mil/site/perdiemCalc.cfm>.
  - (ii) Employees will not be allowed reimbursement for a meal if the meal is furnished as part of the hotel charge or seminar registration.
  - (iii) For one-day training or conferences, the first and last meals may be eligible for reimbursement based on distance to class (must be greater than 70 miles from Rockdale City Hall) and the class times. Any first and last meal reimbursements for one-day classes must be approved by the City Manager.
- (d) **Expense Report.** All claims for travel reimbursement must be submitted on an expense report form designated by the City Manager. This report must be signed by the person requesting reimbursement of travel expenses and by their respective department head when applicable. The report must be complete, accompanied by all required receipts, and submitted not later than 30 days after the date of travel. Adult beverages are at the expense of the employee and not a reimbursable expense by the City.

Expense reports for official City functions at which meals are provided should include a guest list along with receipts. Prior approval by the City Manager is required. No adult beverages will be reimbursed with City funds unless approved by the City Manager.

### **Section 5.13. Leave to Attend Voting, Jury Duty, Court Subpoenas.**

The City shall grant jury duty leave for an employee summoned to serve on any grand, petit, or municipal court jury. The City shall not dismiss an employee from employment because of the nature or length of the employee's jury service. When an employee is on jury leave, he or she

shall continue to receive his or her regular rate of pay in addition to any per diem received by the employee from the state or the court for jury service. An employee may retain his remuneration for this service. The time spent on jury duty that coincides with the employee's regular work time is counted as straight time for overtime calculation purposes.

If an employee is chosen as a juror, they must notify their supervisor immediately and fulfill the citizenship obligation. If the employee is not selected as a juror, the employee is required to report back to work upon being released from service unless the work period remaining is less than one hour. If the work period remaining is less than one hour, the employee is expected to report to work on their next scheduled shift.

All employees must provide proof of attendance from the presiding court to their supervisor upon their return to work. Proof of attendance must be attached to the employee's time sheet.

#### **Section 5.14. Leave of Absence.**

Department heads may grant leaves of absence without pay to any employee, with the approval of the City Manager, not to exceed thirty (30) days in duration. Requests for such leave shall be in writing and submitted well in advance of the date the employee will commence such leave. Leaves of absence without pay may be granted for any legitimate purpose; however, employees will be obligated to show that the granting of such leave will not materially affect productivity of the Department. Leaves of absence without pay in no case shall exceed thirty days, except as allowed under the Family Medical Leave Act or similar federal and state laws.

#### **Section 5.15. Absence Without Leave.**

No employee may absent himself from duty for a day or any part of a day without permission of the employee's department head. Any such absence will be without pay and will subject the employee to disciplinary action up to and including termination.

#### **Section 5.16. Physical Incapacity To Perform Assigned Work.**

Once it is determined by the department head or the department head's designee, based on the assessment of a licensed medical doctor, that an employee is not able to perform the required physical duties or tasks of the present position (regardless of whether the incapacity is due to on the job injuries, off the job injuries, or illness), then that employee will not be returned to full duty with the City until a medical doctor states in writing that the employee is able to perform all the required physical tasks or duties of the position.

Once an employee has exhausted all sick leave, vacation leave, or injury leave granted under the previous sections of this chapter, additional leave may be addressed under the Family Medical Leave Act (See: Article 5, Section 5.17). After any additional leave authorized by FMLA

is exhausted employment may be terminated; provided the employee may retain the City's health insurance if the employee notifies the HR Director and pays the rate as established by the City as required by the Consolidated Omnibus Budget Reconciliation Act ("COBRA"). Such coverage shall be limited to the minimum lengths of time established by COBRA.

### **Section 5.17. Family and Medical Leave.**

(a) **Definitions.** For the purposes of this policy, the following definitions will apply:

"Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery, as appropriate, by the state in which the doctor practices; or any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

"Parent" means the biological parent of any employee or an individual who stood in loco parentis to an employee when the employee was a minor.

"Reduced schedule leave" means a leave of absence schedule whereby an employee's hours per work week or hours per work day are reduced below the employee's usual number of hours per work week or work day.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either (1) inpatient care in a hospital, hospice, or residential care facility; or (2) continuing treatment by a health care provider.

"Son or daughter" or "child" means a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis who is (a) under eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

(b) **Eligibility.** In order to be entitled to family or medical leave under this policy, an employee must have worked for the City, as of the day leave commences, for a total of at least one year, and must have worked at least 1,250 hours during the twelve (12) month period preceding the leave.

Provided the eligibility requirements set forth above are met, an employee will be entitled to unpaid leave, up to a maximum of twelve (12) weeks of leave during any twelve (12) month period, for one or more of the following:

- (i) Because of the birth of a child of the employee and in order to care for such child;
- (ii) Because of the placement of a child with the employee for adoption or foster care;

- (iii) In order to care for the spouse, a child, or a parent of the employee if such spouse, child, or parent has a serious health condition; or;
- (iv) Because of the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position.

Entitlement to leave for the birth of a child or for the placement of a child with the employee for adoption or foster care expires twelve (12) months after such birth or placement with the employee.

(c) **Leave Options.** An employee may, at the employee's option, first charge leave authorized under this section to accrued vacation leave, or, if the leave time qualifies for sick leave, to accrued sick leave, or to a combination of accrued sick and vacation leave. If the employee elects to charge leave time authorized by this section to accrued vacation or sick leave, the employee may obtain unpaid leave for the balance of any eligible leave requirements; provided that except with the written approval of the City Manager no employee shall be entitled to more than 12 weeks of leave, whether vacation, sick, unpaid or a combination of such leave time, during any consecutive 12 calendar months.

(d) **Spouses Employed By the City.** If both husband and wife are employed by the City and both are otherwise eligible for leave under this policy, the husband and wife will be restricted to a combined total of twelve (12) weeks of leave during any twelve (12) month period as to leaves taken for the care of a new child (whether through birth, adoption, or placement for foster care), or for the care of a parent with a serious health condition. Leave entitlement for spouses who are both employed by the City is not aggregated for leaves necessitated by the serious health condition of a spouse, child, or for the employee's own serious health condition.

(e) **Foreseeable Leave. Obligations of Employee.** Where the necessity for leave is foreseeable due to the expected birth or placement of a child, the employee must provide the City with no less than thirty days advance notice of the intent to take leave, except that if the date of the birth or placement requires leave to begin within less than thirty (30) days, the employee must provide as much advance notice as is practicable. As to leaves due to a serious health condition of the employee or the employee's spouse, child, or parent, where the necessity for leave is foreseeable based on planned medical treatment, the employee must:

- (i) Make a reasonable effort to schedule the treatment so as not to unduly disrupt city operations (subject to the health care provider's approval); and
- (ii) Must provide no less than thirty (30) days advance notice of the intent to take leave, except where the date of treatment requires that the leave be within less

than thirty days, in which case the employee must provide as much advance notice as is practicable.

- (f) **Reduced Schedule Leave.** A leave of absence due to the serious health condition of the employee or the employee's spouse, or child can be taken on an intermittent or reduced schedule basis, if and when intermittent or reduced schedule leave is determined to be medically necessary by the health care provider. Leave for the birth or placement of a child, however, cannot be taken intermittently or on a reduced schedule basis without the specific agreement of both the employee and the City.

Where leave is taken on an intermittent or reduced schedule basis, the total amount of leave to which the employee is entitled under this policy will be reduced only to the extent of the leave actually taken by the employee on the intermittent or reduced schedule basis, i.e. the total leave time for which the employee is eligible will not be reduced beyond the aggregate amount of leave actually taken on an intermittent or reduced schedule basis. Where intermittent or reduced schedule leave is taken, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, offering equivalent pay and benefits, and which will accommodate recurring periods of leave better than the employee's regular position.

- (g) **Certification of Necessity for Medical Leave.** In order to obtain a leave necessitated by a serious health condition (whether of the employee or of the employee's spouse, or child) the employee must provide the City, in a timely manner, with written certification from the health care provider which states:
- (i) the date on which the serious health condition commenced;
  - (ii) the probable duration of the condition;
  - (iv) the appropriate medical facts known to the health care provider regarding the condition.
- (h) **Leave Accruals.** During an extended leave of absence, an employee will cease to accrue vacation and/or sick leave. Accruals will begin upon the date the employee returns to work.
- (i) **Interpretation and Application of This Section.** This Article and section shall be interpreted and applied by the City in a manner consistent with the Family and Medical Leave Act, 42 USCA § 2601. et. seq. In the event of a conflict between any provision of this section and such Act, the terms and provisions of the Act shall govern and control.

## Article 6. Wages and Salary

### Section 6.01. Application of Rates.

All employees occupying a position in the salaried or hourly status shall be paid a weekly, semi-monthly, bi-weekly or monthly salary or wage. If an employee begins service in the middle of a pay period, the employee will be paid at the equivalent hourly rate for the total hours worked during that pay period where and when applicable.

### Section 6.02. Performance Based Pay Increases.

Pay increases for employees shall not be automatic but shall be based on performance and to reward employees for ability and efficiency in performing their duties. Length of service is not considered a valid basis for requesting performance based pay increases since longevity or service pay is designed to compensate employees for their years of service. Performance based pay increases may be granted only by the City Manager on recommendation of the department head.

### Section 6.03. Part-time and Temporary Rates.

An employee who works regularly at less than the established work day or work week shall be paid by the hour at a rate proportional to the amount of time worked. Temporary employees shall not receive retirement benefits, health or dental insurance, vacation leave, sick leave or holiday pay. **Part-time employees shall receive retirement benefits, health and dental insurance.**

### Section 6.04. Termination Pay.

All employees who terminate employment with the City shall receive all pay which may be due, subject to the following qualifications and exceptions:

- (a) Regular full-time **and part-time** employees who have satisfactorily completed one year of continuous employment prior to termination will be paid for accrued vacation leave **and accrued compensatory time**; and
- (b) If any employee terminates before the end of a pay period, the employee will be paid for the total hours actually worked through the employee's termination date at his/her calculated hourly rate;

provided that payment for accrued vacation may be denied, or reduced, if the termination of the employee results from wrongful actions or misconduct of the employee; and provided further that any such payment for accrued vacation may be credited by the City to any sums or amounts the employee owes the City, or to damages resulting from malicious, intentional or grossly negligent action of the employee with respect to property or assets of the City.

**Section 6.05. Longevity Pay.**

All regular full-time employees employed for one year or more shall be eligible for additional compensation at a rate of three dollars (\$3.00) per month for each full year of continuous service with the City. This pay will be awarded annually, as a lump sum, during November each year and only eligible employees who are in an active pay status on November 1st will receive this benefit.

**Section 6.06. Compensatory (Comp) Time.**

Compensatory time may be allowed as directed by the supervisor and approved by the City Manager. If a supervisor plans to use comp time for a project instead of regular time or overtime, the employee must be notified prior to work being scheduled and performed. The comp time rate may be based on regular time or overtime calculation, depending on the circumstances. An employee has the right to refuse comp time and request payment for the time worked. At that time, the supervisor must decide whether or not to utilize the employee for the project.

## **Article 7. Employment Verification and Termination**

### **Section 7.01. Resignation.**

An employee who wishes to leave the employment of the City should give at least two (2) weeks notice to the employee's department head before the effective date of the resignation. Such notice shall be in writing and shall state the reasons for such resignation. The department head shall immediately notify the HR Director or City Manager of such resignation and indicate the reasons therefore, and whether the employee's services have been satisfactory. In no case shall an employee be allowed to take vacation time during the last two (2) weeks of employment unless approved by the City Manager and the department head. **Leave** hours taken during the last two weeks of employment will be deducted from the employees' accrued vacation hours.

### **Section 7.02. Retirement.**

All regular full-time **and part-time** employees are required to become members of the Texas Municipal Retirement System (TMRS). Enrollment shall be accomplished in accordance with the TMRS guidelines. Members contribute an ordained percentage of their gross salary each pay period toward retirement. The employee's and the City's percentage of contribution to TMRS is determined from time to time based on the City's level of participation in TMRS.

Details of the retirement plan are outlined in the TMRS handbook **and available online at** <http://www.tmr.com/>.

The TMRS participates in the proportionate retirement program provided for by state law. Proportionate retirement permits a member of TMRS and certain other pension plans to combine years of membership with two or several participating plans, e.g. Counties, the State and certain cities that are not TMRS members. Prior service credit will be granted to employees for service performed for specific, various public entities, with the submission of proper paperwork.

### **Section 7.03. Termination Interview.**

The employee's termination interview and final paycheck will be received from the City Manager or HR Director.



**Section 7.04. Requests for Employment Verification.**

Information regarding the employment of all current and former City employees shall be verified upon written request made to the City Manager or HR Director. In the absence of a written request signed by the current or former employee, the City Manager or HR Director shall be authorized to verify only the following information:

- (a) The date the employee began employment with the City;
- (b) The date the employee ended employment with the City;
- (c) The positions held while employed by the City;
- (d) The department(s) to which the employee was assigned while employed by the City; and
- (e) Verify salary.

No person other than the City Manager or the HR Director or their designee shall be authorized to act on behalf of the City with respect to the verification of employment information.

**Section 7.05. Recommendations for Employment.**

The City of Rockdale will not give recommendations for employment.

**Section 7.06. Lay Off.**

The City Manager may lay off an employee as a result of changes in duties or organization, or lack of work or funds. Where possible, a two-week written notice of lay-off shall be given prior to the effective date of the lay-off and no other notice will be necessary.

## **Article 8. Disciplinary Action**

### **Section 8.01. Disciplinary Actions.**

The City may deny or reject any application, appointment or promotion, or suspend, demote or remove any employee, at any time that the City Manager or the City Manager's designee determines that such action will promote the efficiency of the City's service.

- (a) **General.** In determining whether its action with respect to any employee will promote the efficiency of service, the City shall consider the following:
- (i) Whether the prior history and conduct of the individual evidences that the individual may reasonably be expected to interfere with or prevent effective performance;
  - (ii) Whether the prior history and conduct of the individual evidences that the individual may reasonably be expected to interfere with or prevent effective performance by the employing department or co-workers of the co-worker's respective duties and responsibilities; or
  - (iii) Whether the prior history, conduct, work related experience or performance of the individual evidences that the individual may not reasonably be expected to perform the job duties at an acceptable level of performance.
- (b) **Step-wise Disciplinary Procedures.** The following disciplinary procedures may be followed in the following order; provided that no employee has a right to progressive discipline and discipline may proceed directly to termination without following the preceding steps.

#### STEP 1: ORAL REMINDER

1. Documented by supervisor
2. Not placed in personnel file
3. Active for six months

#### STEP 2: WRITTEN REMINDER

1. Letter given to employee
2. Letter placed in personnel file
3. Active for one year

#### STEP 3: DECISION MAKING LEAVE

1. One shift off without pay to decide:
  - a. Does employee want to continue employment?
  - b. Will employee abide by all rules and policies?
2. If employee agrees to questions:

- a. Place letter in file
3. If employee does not wish to comply:
  - a. Employee resigns/terminated
4. Active one year

#### STEP 4: TERMINATION

1. Complete documentation
2. Place documentation in personnel file

Positive discipline is a single track program. Steps may be administered for any violation.

Positive discipline steps will be determined by severity of violation.

Severe violations may result in termination for first offense.

Inactive discipline may be used as historical documentation.

(c) **Specific Factors.** Among the factors which may be used in making a determination as to employee, in addition to those set forth in paragraph (a) of this section, any of the following may be considered as a basis for disciplinary action:

- (i) Delinquency, misconduct or poor working relationships;
- (ii) Improper Conduct. Criminal, dishonest, infamous, notoriously disgraceful conduct, or conduct not compatible with good public service, specifically including:
  - (A) Dishonesty. Taking City property or other employees' property without proper authorization; misuse of City employer or other employees' funds or property; cheating; forging or falsifying reports, records, or documents, misuse of leave of absence; or any other false action detrimental to the City or fellow employees.
  - (B) Disturbance. Fighting; using profane, abusive or threatening language; horseplay; causing injury to fellow employees through deliberate action or gross negligence; spreading false reports; or otherwise disrupting harmonious relationships between employees.
  - (C) Sabotage. Deliberate damage or destruction of City equipment or property; altering, removing or destroying City records; advocacy of or participating in unlawful trespass or seizure of City property; encouraging or engaging in slow-downs, sit-ins, strikes or any other concerted effort to limit or restrict employees from working.

- (D) Misconduct. Any criminal offense or other misconduct which could have an adverse effect on the employer, or on the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees; or repeated convictions during service on misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment.
- (iii) Misleading Information. False statements or deception or fraud in applications, examination or representations made for appointment or promotion.
- (iv) Abuse of Drugs or Alcohol. Reporting to work or being "on call" in unfit condition, being under the influence of intoxicants or under the influence of controlled substances or dangerous drugs, including marijuana, narcotics, or drugs of any kind; or drinking intoxicants or taking into the body of an unlawful controlled substance or dangerous drug, including marijuana or a dangerous drug, during working hours, or possessing intoxicants or unlawfully possessing controlled substances, including marijuana, narcotics, or dangerous drugs, on City property or in City vehicles.
- (v) Statutory. Any statutory disqualification which makes the individual unfit for the job or failure to meet and maintain requirements of the individual's job description.
- (vi) Unsatisfactory Attendance. Excessive or unauthorized absence and/or tardiness.
- (vii) Incompetence. Inability or unwillingness to perform assigned work satisfactorily.
- (viii) Indifference toward Work. Failure to remain at work, inefficiency, loafing, carelessness, performing personal business during working hours, abuse of eating and/or rest periods, sleeping or being inattentive during working hours, interfering with work of others, mistreatment of the public or other employees, or leaving work without permission.
- (ix) Insubordination. Willful failure or refusal to perform assigned work or fully comply with instructions or orders as requested by the supervisor or other members of management. If the employee believes the instruction or order is improper, the employee should obey the order or instruction and file a grievance later. This does not apply to imminently dangerous situations. If the employee believes the instruction or order, if followed, would result in physical injury to himself or another employee, or damage to City equipment, the employee should request immediate verification by the next higher level of supervision.

- (x) Violation of Safety Rules. Smoking in prohibited areas; improper removal of safety guards, fire extinguishers, or other equipment designed to protect employees; failure to use safety equipment or to follow safety rules; or failure to report an on-the-job injury, vehicle accident, or unsafe condition.
- (xi) Misuse of City Equipment or Services. Using, possessing, taking or providing any City equipment, credentials, or services for other than official City business without proper authority.
- (xii) Conduct. Conduct subversive to the proper order, discipline and morale of city employees.
- (xiii) Political Activities. No employee of the City shall, at anytime, make, receive or solicit contributions, or engage or become involved in any political activity or campaign, with respect to any candidate for City office. No employee shall, while on duty or in uniform, distribute cards, leaflets or other political advertising for any candidate for local, state or federal elective office; nor use or make reference to such employee's city employment for the purpose of soliciting funds or influencing the vote of any employee or citizen. Employees who are approached or contacted by candidates regarding any aspect of City operations should direct that individual to their supervisor. This provision does not prevent an employee from privately expressing opinions to family, friends, co-workers and acquaintances.

When not on duty or in uniform, an employee of the City may engage in political activity and campaigns for and with respect to any government or entity other than the City. Further, this subsection shall not be construed as being applicable to any campaign for office in any association or organization in which such employee is a member, or to the expression of frank opinions by any employee.

An employee who is considering becoming a candidate for any public office should be aware that an announcement for such office may constitute a resignation from the City service. An employee should advise the City Manager in writing prior to announcing for public office and any such employee may consult with the HR Director and/or the City Manager with respect to the position that may be taken by the City in the event of any such announcement.

- (xiv) Weapons. The control of, or possession by, any employee of a handgun or other concealed weapon in a City vehicle or on any City property; provided that this subsection xiv shall not be applicable to certified licensed peace officers.

- (d) **Additional Considerations.** In making determination under paragraph (a) of this section, the City shall consider the following additional factors to the extent that these factors are deemed pertinent in the individual case:
- (i) The position for which the person is applying or in which the person is employed, including sensitivity;
  - (ii) The nature and seriousness of the conduct;
  - (iii) The circumstances surrounding the conduct;
  - (iv) The recency of the conduct;
  - (v) The age of the applicant or appointee at the time of the conduct;
  - (vi) Contributing social or environmental conditions;
  - (vii) The absence or presence of rehabilitation or efforts toward rehabilitation.
- (e) **Policy on Evaluation and Training Period.**
- (i) **Evaluation and Training Period.** All new employees shall be in an Evaluation and Training Period for ninety (90) days after being employed. The evaluation and training period shall be used to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs. Only those employees who satisfactorily meet performance standards during the evaluation and training period shall be retained.
  - (ii) **Completion of Evaluation and Training Period - New Employees.** All new employees will be evaluated at the end of the ninety (90) day evaluation and training period. At the conclusion of the ninety (90) day period, all new employees will be evaluated by their supervisor. All new employees who have successfully completed the ninety (90) days evaluation and training period shall be removed from evaluation and training status. At that time, the hire date will become the employee anniversary date. All new employees failing to successfully complete the ninety (90) day evaluation and training status shall not be eligible for employment with the City. Evaluation and training status may be continued upon agreement of the employee and the supervisor for additional three month periods. These employees may be pre-emptorily discharged for any misconduct, with or without notice to correct the misconduct. Employees discharged while on probation may appeal as provided in Article 9.
  - (iii) **Promoted Employees.**

- (A) All promoted employees shall be required to complete a six month evaluation and training period in the new position before the same promotion is considered to be fully approved.
  - (B) If a promoted employee cannot meet the requirements as set forth in the job description of the new position, the employee may be restored to the position from which he/she was promoted or to a comparable position.
- (iv) **Demoted Employees.** Any employee being demoted as a result of a disciplinary action shall be subject to a six-month probationary period in their new position.
  - (v) **Disciplinary Probation.** Any employee may be placed on disciplinary probation. The supervisor may, with the approval of the City Manager, place any employee under the supervisor's management on disciplinary probation. The employee shall be notified in writing that the employee is being placed on disciplinary probation and the minimum term that such probation shall last. Employee's not successfully completing disciplinary probation or failing to comply with the standards established for employees of the City may be terminated or demoted without further notice.
  - (vi) **Extension of Probation or Evaluation and Training Period.** All employees serving on probationary status or in the Evaluation and Training Period shall be subject to having such status extended for increments of three (3) months. Upon written recommendation of the department head such periods can be extended if approved by the City Manager in writing. Failure to successfully complete a probationary or evaluation and training period shall be indicated in writing, including the duration of the extension and the improvements required, and provided to the employee.
  - (vii) **Failure of Probation or Evaluation and Training Period.** A probationary employee or evaluation and training employee may be separated or transferred at any time during the period when his or her fitness and/or quality of work are judged to be insufficient to merit continuation in the position. A newly-promoted employee shall be returned to his or her former type of position upon failure of probation or evaluation and training period if such position is available but shall not be disqualified from consideration for later advancement or rehire.
  - (viii) **Appeal.** Employees wishing to appeal failure of probation may follow the regular appeals procedure in Article 9.
- (f) **Demotion.** If the adverse action is a demotion, it may be within the same salary range or to a position with a lower salary range, but in either case will be accompanied by at least some reduction in pay for the employee involved. No

employee may be demoted to a position for which the employee does not possess the necessary minimum qualifications.

- (g) **Temporary Relief of Duty.** A temporary relief of duty shall be with or without pay when based upon unusual circumstances or conditions and shall be approved in writing by City Manager.
- (h) **Notice.** A Supervisor may, with the approval of the City Manager, decide to demote, suspend or dismiss an employee. In such event, the employee should be promptly served with written notice and informed that the employee has the right to a hearing on the matter through the Grievance Procedure. If circumstances prevent the prompt presentation of such written notice, such employee should be instructed by the department head or Supervisor to appear at the Supervisor's office the next work day (or as soon thereafter as practicable) to receive the written notice and, if so desired by the employee, to initiate the appeal procedure. Any written disciplinary action should set forth:
  - (i) examples of conduct, incidents, actions, or failures to act, that resulted in the discipline;
  - (ii) the discipline to be imposed,
  - (iii) the effective dates, and
  - (iv) if the action is not a dismissal, the likely effect if the employee continues to perform, or to fail to perform, in the manner that resulted in the disciplinary action.

The written disciplinary action shall be filed with the City Manager and a copy shall be delivered to the employee, or mailed to the employee's last known address by certified mail, return receipt requested. A copy shall be placed in the employee's personnel folder.

### **Section 8.02. Alcohol Misuse and Controlled Substance (Drug) Plan.**

Intoxication, the possession or consumption of alcoholic beverages, or the possession or consumption of any unlawful controlled substance or drug without a prescription therefore issued by a physician or dentist, while on duty, is strictly prohibited and violators will be subject to disciplinary action, up to and including discharge. Employees shall notify their superior if the employee is taking any prescribed drugs that could affect their job safety or performance.

Drug and alcohol testing may be conducted prior to employment, after certain accidents and for reasonable cause, and random drug testing may be applicable for all employees.



**Section 8.03. Notice Provisions.**

Any notice or decision under the provisions of this Article shall be required to be in writing and shall be given by delivering same in person to the affected employee, or if said employee cannot be located after exercising reasonable diligence, the notice shall be by delivery of same to the last known address as is reflected and shown in the records of the HR Director. Such notice may be delivered by hand delivery or by deposit in the U. S. Mail addressed to the last known address, and such mailing shall be conclusive evidence of the receipt of such notice by the employee. Such notice shall be effective as of the time of its actual delivery to the employee or deposit in the U. S. Mail.

## Article 9. Grievance Procedures

### Section 9.01. General Guidelines.

It is the City's goal to treat employees fairly in all respects. Employees who feel they have been subjected to unfair treatment or discrimination have the right to present grievances for consideration through simple and reasonable procedures. A grievance is defined as any complaint or problem concerning an employee's duties or working conditions. Any employee may present grievances under the procedures outlined below and should be free from restraint, coercion or reprisal as a result.

### Section 9.02. Procedural Steps.

Any employee may file a formal grievance.

(a) The grievance shall be in legible writing, printing, or typing giving the following information:

- (i) Date, time, place and detailed description of the alleged action.
- (ii) Specify the nature of the grievance.
- (iii) Explain why the action is considered improper, unjust/unfair.

(b) Steps in the grievance and appeal process shall be as follows:

(i) Step One: A grievance by an employee must be presented to the immediate supervisor within five (5) working days of the alleged event. The supervisor has three (3) working days to schedule a meeting with the aggrieved employee. The immediate supervisor has five (5) working days to respond to the employee after the meeting.

(ii) Step Two: If the employee is not satisfied with the supervisor's decision, he/she may appeal to the next level of supervision/designee within three (3) working days of receipt of decision. The supervisor/designee will have three (3) working days to schedule a meeting with the employee. The supervisor will have five (5) working days to deliver a decision to the employee.

(iii) Step Three: If the employee is not satisfied with the supervisor's decision, he/she may appeal to the Department Head/designee within three (3) working days of the receipt of the decision. The Department Head/designee will have three (3) working days to schedule a meeting with the employee. The Department Head/designee will have five (5) working days to deliver a decision to the employee.

(iv) Step Four: If the employee is not satisfied with the decision of the Department Head/designee, he/she may appeal to the City Manager within three (3) working days of the receipt of the decision. The City Manager will have six (6) working days to schedule a meeting with the employee. The City Manager will have five (5) working

days to deliver a decision to the employee. The City Manager's decision shall be final and not subject to further appeal except for those employees who report directly to the City Manager.

### **Section 9.03. Grievances by employees who report directly to the City Manager**

An employee who reports directly to the City Manager may file a grievance with the City Manager within three (3) working days of the alleged event. The City Manager will have three (3) working days to schedule a meeting with the employee. The City Manager will have five (5) working days to deliver a decision to the employee.

(i) If the employee is not satisfied with the decision delivered by the City Manager, he/she may appeal to the Mayor within three (3) working days of the receipt of the decision. The Mayor will have six (6) working days to schedule a meeting with the employee. The Mayor will have five (5) working days to deliver a decision to the employee. The decision of the Mayor shall be final and not subject to further appeal.

### **Section 9.04. Grievances Without Basis.**

Grievances are given serious consideration by the City and are encouraged in all legitimate fact circumstances. Equally so frivolous grievances are discouraged, as are repeated grievances regarding trivial matters. And, grievances that are based on evidence the grievant is found to have known to be false will result in disciplinary action.

### **Section 9.05. Complaints from Non-employees.**

All complaints concerning employees of the City received by the City from non-employees shall be forwarded to the appropriate department to be handled according to the steps outlined in Article 9.02 of the City in force at such time as the complaint is filed for citizens complaints. Any adverse actions taken as a result of the non-employee's complaint may be appealed in the same manner as provided in this Article.

### **Section 9.06. Grievances Against the City Manager.**

Grievances against the City Manager regarding discrimination, sexual harassment, or violations of civil rights, may be made to the Mayor. All other grievances will be first submitted to the City Manager. As, and when appropriate, such grievances will be reported to the City Council.

### **Section 9.07. Extension**

Extensions to time limits may be granted by either party, in writing and for a specific time limit.

**Section 9.08. Time limits exceeded.**

(i) If the employee fails to meet the specified time limits, the grievance shall be deemed to have been withdrawn by the employee.

(ii) If the city representative fails to meet the specified time limit, the employee may advance the grievance to the next level.

## **Article 10. Benefits**

### **Section 10.01. Retirement.**

All regular full-time **and part-time** employees are required to become members of the Texas Municipal Retirement System (TMRS). Enrollment shall be accomplished in accordance with the TMRS guidelines. See Section 7.02. Details of the retirement plan are outlined in the TMRS handbook.

### **Section 10.02. Uniforms.**

The City will provide certain employees with uniforms or a uniform allowance in order to assure a neat appearance, identify the worker as a municipal employee, and to protect the employee's personal clothing while performing the employee's job duties. Employees provided with uniforms or uniform allowance must wear full uniforms. The cost of uniforms not returned upon separation from employment will be charged to the employee and, if such uniforms are not returned or the cost thereof paid, such fact shall be recorded in the employee's personnel file.

### **Section 10.03. Social Security.**

All employees of the City are covered under the Federal Insurance Contributions Act (FICA). This government insurance provides retirement, disability and death benefits. This insurance is financed by social security taxes, which are paid through payroll deductions by the employee and matched by the City.

### **Section 10.04. Unemployment Compensation.**

All employees of the City are covered, as applicable, under the State unemployment compensation program. This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee to finance this benefit.

### **Section 10.05. Insurance.**

Health insurance is **available** to all regular full-time **and part-time** employees, working **30** hours or greater weekly, through a group insurance policy. This insurance is provided by the City for the employee at no cost to the employee. At the employee's option and expense, dependent insurance coverage is also available. Coverage may be continued with certain limitations upon termination provided the premiums are paid entirely by the employee. These limitations are consistent with the Consolidated Omnibus Budget Reconciliation Act (COBRA). At the employee's option and expense, **vision** coverage is available for employees and their dependents.

**Section 10.06. Worker's Compensation Insurance.**

The City participates in Worker's Compensation Insurance coverage for employees. When an employee is injured on-the-job the employee must immediately report the injury to his/her supervisor as outlined in Article 5, Section 11.

**Section 10.07. Group Life and AD&D Insurance.**

For those employees participating in the City insurance plan, the City purchases a \$20,000 life insurance policy on behalf of the employee. Accidental Death and Dismemberment (AD&D) insurance would pay an additional benefit, up to the amount of the employee Life benefit, if the employee were to suffer a covered loss due to an accidental injury. Optional voluntary life insurance may be purchased by the employee for themselves, their spouse, and/or their children.

## **Article 11. Safety**

### **Section 11.01. General.**

The rules and procedures outlined in the employee safety manual are subject to modification from time to time at the discretion of the City Manager. Modifications will be considered as further opportunities are identified to provide for the safety and health of employees as state, federal, or local safety laws and regulations change.

## Article 12. Sexual Harassment

### Section 12.01. Sexual Harassment Policy.

All employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual harassment.

- (a) Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is motivated in whole or in part by a person's sex, that is not welcome and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness.
- (b) Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship.
  - (i) No employee either male or female should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.
  - (ii) A finding that an employee has committed any such form of sexual harassment will result in severe disciplinary action up to and including termination from employment.
- (c) Sexual harassment of any type is strictly prohibited and will not be tolerated. If any employee feels they are being sexually harassed, they should promptly report such fact and advise the harasser that the conduct is offensive and that it must stop immediately. If any such unwelcome interest or conduct does not cease immediately upon demand by the employee, or if the employee is not comfortable confronting the harasser, the employee must report the matter to the employee's supervisor within twenty-four (24) hours. If such employee is unable or unwilling to speak with his/her supervisor about the alleged harassment, the conduct or incident must be reported directly to the next higher level of authority, the department head, the HR Director, or the City Manager. Upon any supervisor, department head or officer, receiving a report of alleged sexual harassment, the HR Director and all persons in the alleged offenders chain of command shall be advised of the report and appropriate action shall be promptly taken. The first action taken, in such event, shall include steps calculated to prevent recurrences of any such alleged incidents pending investigation and final resolution of the complaint. Each such report shall be investigated promptly and appropriate corrective action will be taken with the City Manager's concurrence.
- (d) It will be the responsibility of the HR Director to inform department heads and supervisors of the policy concerning non-discrimination, equal employment opportunities and sexual harassment, the gravity of such behavior and the procedure to be employed in the event an allegation develops. The HR Director shall provide or cause the department heads and supervisors to receive training, with respect to recognizing and dealing with sexual harassment.



- (e) Each supervisor has a responsibility to communicate to employees that sexual harassment will not be tolerated and to make certain that employees are aware of this policy. This duty includes discussing this policy with all employees and assuring employees that employees are not to endure insulting, degrading or exploitative sexual treatment.
- (f) Any employee who complains of sexual harassment in good faith will be protected against retaliation or reprisal for making the complaint. However, the City recognizes that false accusations of sexual harassment can have serious effects on innocent men and women, their reputation, and their families. False accusations of sexual harassment will result in severe disciplinary action up to and including termination.

**Article 13. Smoking Policy****Section 13.01. Smoking Policy.**

Smoking or other use of tobacco products is strictly prohibited in all city facilities. "City facilities" is defined to include buildings, vehicles, machinery, etc. which are owned/leased by the City of Rockdale. Each City building will have a designated smoking area located outside of the building. This area should not be located near the main entrance to the building and must be maintained to present a neat appearance.

## **Article 14. Drug Abuse Policy**

### **Section 14.01. Statement of Policy.**

The City maintains a firm commitment and effort to provide reliable service to its citizens, and a safe and healthy working environment for its employees and the community.

- (a) The City has a vital interest in maintaining a safe, healthy, and efficient working environment. While the vast majority of employees are not involved with illegal drugs or substance abuse, those who are involved in use, abuse, or trafficking, on or off the job, may have an adverse impact both on the health, safety and welfare of our citizens, the workplace and fellow employees; and may impair the City's ability and efforts to maintain a safe work environment that is free from the effects of drugs. The use, sale, purchase, transfer, or possession of an illegal drug in the workplace, and the use, possession, or being under the influence of alcohol also poses unacceptable risks for safe, healthy, and efficient operations.
- (b) The City has the right and obligation to maintain a safe, healthy, and efficient workplace for all of its employees, and to protect the City's property, information, equipment, operations and reputation.
- (c) The City recognizes its obligations to its citizens for the provision of services that are free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide drug- and alcohol-free services.
- (d) The City further expresses its intent through this policy to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.
- (e) As a condition of employment, all employees are required to abide by the terms of this policy and to notify the HR Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

### **Section 14.02. Statement of Purpose.**

This policy outlines the goals and objectives of the City's drug and alcohol testing program and provides guidance to supervisors and employees concerning their responsibilities for carrying out the program.

### **Section 14.03 Scope of Policy.**

This policy applies to all departments, all employees and all job applicants. The term employee includes contracted employees.

**Section 14.04. Definitions.**

**"Alcohol"** means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

**"City premises" or "City facilities"** means all property of the City including, but not limited to the offices, facilities and surrounding areas on the City-owned or -leased property, parking lots, and storage areas. The term also includes the City-owned or -leased vehicles and equipment wherever located.

**"Contraband"** means any article, the possession of which on the City premises or while on the City business, causes an employee to be in violation of the City work rule or law. Contraband includes illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, counterfeit money, untaxed whiskey, and pornographic materials.

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

**"Illegal drug"** means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level other than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

**"Legal drug"** means any prescribed drug or over-the-counter drug that has been legally obtained and is being used for the purpose for which prescribed or manufactured.

**"Reasonable belief"** means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but not be limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices, and erratic conduct indicative of impairment are examples of "reasonable belief" situations.

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

**Section 14.05. Prohibitions.**

The following conduct by employees of the City is prohibited and will result in appropriate action by the City, up to and including termination of employment.

**(a) Illegal Drugs and Alcohol:**

- (1) The use, possession, manufacture, distribution, dispersion or sale of illegal drugs or drug paraphernalia on City premises, in City supplied vehicles, or during working hours; provided that the prohibition against possession shall not apply to paraphernalia or drugs held as evidence under authority of the Chief of Police;
- (2) Unauthorized use, possession, manufacture, distribution, dispensation or sale of a controlled substance, dangerous drugs or alcohol on City premises or while on City business, in City supplied vehicles, or during working hours;
- (3) Storing in a locker, desk, automobile or other repository on City premises or property, any illegal drug, drug paraphernalia, controlled substance, or alcohol; provided that such prohibition shall not apply to the storage of any such substance in conjunction with the performance of public duties as authorized by the Chief of Police or the City Manager;
- (4) Having an unauthorized controlled substance, alcohol or illegal drug in one's system while on City premises or City business, in City supplied vehicles, or during working hours; or
- (5) Having any detectable trace amount of drugs or alcohol in an employee's system while at work.

**(b) General Prohibited Activity:**

- (1) Switching or adulterating any urine sample submitted for testing;
- (2) Refusing to report for testing immediately upon notification to do so by any supervisor, or refusing to consent to testing or to submit a urine sample when requested by a supervisor or management;
- (3) Refusing to submit to an inspection when requested by any supervisor or management personnel;
- (4) Failure by an employee to notify the Director of Personnel, or the City Manager of any arrest or conviction of such employee for, or with respect to, the illegal use, possession, control, sale or manufacture of any controlled substance, drug or alcohol, within five days after the arrest or conviction;

- (5) Failure to report to the supervisor the use of any drug, prescription, non-prescription medication, or alcohol, which may affect the employee's job performance or safety, e.g. alter the employee's behavior or diminish or impair the employee's physical or mental capabilities;
  - (6) Refusing to sign a statement agreeing to abide by the City's drug abuse policy;
  - (7) Refusal by an employee in a safety sensitive position or any position required to adhere to provisions of this policy, as determined by the City, to sign an acknowledgment that the employee will submit to random, reasonable belief, and post-accident testing for drugs, and so long as the employee remains in the position covered by this policy;
  - (8) Refusal to complete a medical questionnaire and consent form prior to testing; or
  - (9) Refusal to complete the toxicology chain of custody form after submission of a urine specimen.
- (c) **Exemption for Alcohol:** The City Manager, as part of a City sponsored social event, may authorize consumption of alcohol on City premises by off-duty employees. Off-duty employees shall also be exempt from the alcohol policy to the extent that he or she enters public recreational centers, parks or other social gathering areas owned by the City and consumes or has detectable alcohol in his or her system under the same allowance as other citizens of the City.

The City reserves the right to test employees for drug use and/or relieve any employee from their job duties, when, in the opinion of the City, the use of drugs, legal or illegal, or alcohol, may be affecting the performance of the employee's job duties.

#### **Section 14.06. Drug and Alcohol Testing of Employees.**

- (a) **General.** The City shall have the right to require the following drug screening tests be done for all employees:
  - (1) Pre-employment;
  - (2) Reasonable belief; and
  - (3) Post Accident.
- (b) The City will notify employees of this policy by:

- (1) Providing to each employee a copy of the policy, and obtaining a written acknowledgement from each employee that the policy has been received and read.
  - (2) Announcing the policy in various written communications and making presentations at employee meetings.
- (c) The City may perform drug or alcohol testing:
- (1) Of any employee who manifests "reasonable belief" behavior.
  - (2) Of any employee who is involved in an accident.
  - (3) Of any employee who is subject to drug or alcohol testing pursuant to federal or state rules, regulations or laws.
- (d) An employee's consent to submit to drug or alcohol testing is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including discharge, for a first refusal or any subsequent refusal.
- (e) An employee who is tested in a "reasonable belief" situation may be suspended pending receipt of written tests results and whatever inquiries may be required.

#### **Section 14.07. Required Testing.**

Prior to the City taking action based on any test result, all applicants and employees who test positive for drugs or alcohol will have the opportunity to discuss and explain the test results with the City Manager.

- (a) **Pre-employment.** The City requires that all newly hired employees be free of drug or alcohol abuse. Each offer of employment may be conditioned upon the passing of a urine test for drugs. The City may not hire any applicant who refuses to submit to, or fails to pass the pre-employment drug test.
- (1) All applicants for employment, including applicants for part-time and seasonal positions and applicants who are former employees, are subject to drug and alcohol testing as a condition of employment.
  - (2) An applicant for a position mandating drug and alcohol testing must pass the drug test to be considered for employment.
  - (3) An applicant subject to drug and alcohol testing as a condition of employment will be notified of the City's drug and alcohol testing policy prior to being tested; will be informed in writing of his or her right to refuse to undergo such testing; and will be informed that the consequence of refusal is termination of the pre-employment process.

- (4) An applicant subject to drug and alcohol testing as a condition of employment will be provided written notice of this policy, and by signature will be required to acknowledge receipt and understanding of the policy.
  - (5) If an applicant refuses to take a drug or alcohol test, or if evidence of the use of illegal drugs or alcohol by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.
- (b) **Reasonable Belief.** Whenever management personnel reasonably suspects that an employee's work performance or on the job behavior is affected any way by drugs or alcohol, the City may require the employee to submit to drug or alcohol testing.
- (c) **Post Accident.** Any employee whose performance either contributes to an accident or cannot be completely discounted as a contributing factor to an accident may be tested; provided that any employee in a safety sensitive position or other position required by federal regulations to be tested will be tested. An employee to be tested will be tested as soon as possible, but no longer than thirty-two hours after the accident. The employee must go to the hospital or clinic and request that the hospital or clinic administers the collection. A supervisor must certify that the employee was unable to utilize the approved collection site. A second specimen may be required as soon as the collection site is available for use.
- (1) **Post-Accident Testing Discretionary.** Following an accident or incident falling within any of the following events:

An event involving property, electricity, a motor vehicle, powered machinery or equipment, or hazardous substances which results in the following:

- (a.) A death, or an injury or apparent injury resulting in any person taking time off from work or receiving any medical care or service;
  - (b.) Damage to any vehicle or property while on duty or damage to any vehicle or property belonging to the City in the employee's possession after duty hours;
  - (c.) Damage to any machinery or equipment;
  - (d.) An event that is significant in the judgment of the City Manager, even though it does not meet any of the criteria above.
- (2) **Exigent Circumstances.** Nothing in this policy should be construed as to require the delay of necessary medical attention for an injured employee following an accident. An employee is not prohibited from leaving the scene of an accident for the period of time necessary to obtain medical assistance or obtain necessary emergency medical care.



**Section 14.08. Discipline and Return to Duty.****(a) Violations.**

- (1) Any employee who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on the City premises or while on the City business will be discharged.
  - (2) Any employee who is found to be in possession of or have a detectable trace amount of alcohol in violation of this policy will be subject to discipline up to and including discharge.
  - (3) Any employee who is found to be in possession of contraband in violation of this policy will be subject to discipline up to and including discharge.
  - (4) Any employee who is found through drug or alcohol testing to have in his or her body a detectable trace amount of an illegal drug or of alcohol in his or her system will be subject to discipline up to and including discharge.
- (b) **Failure To Test.** The failure to submit to required testing is prohibited and will result in immediate termination.
- (c) **Return-to-Duty:** The HR Director shall require before an employee returns to a safety-sensitive position, after being determined to be in violation of the drug and/or alcohol use policy, to submit to a return-to-duty drug and/or alcohol test with the result indicating a negative result for alcohol and/or drugs. Prior to testing, employees will be required to sign a form consenting to testing.

**Section 14.10. Appeal of A Drug or Alcohol Test Result.**

- (a) An applicant or employee whose drug or alcohol test reported positive will be offered the opportunity of a meeting to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The City, through its health and/or Personnel officials, will judge whether an offered explanation merits further inquiry.
- (b) The employee who is notified of a positive result by the City Manager may make a written request for retesting within 60 days of receipt of the final test result from the City Manager. An employee whose drug or alcohol test is reported positive will be offered the opportunity to have the original sample retested:
- (1) Obtain and independently test, at the employee's expense, the remaining portion of the specimen that yielded the positive result by a N.I.D.A. certified laboratory, but the employee will be reimbursed by the City if the retest is negative;

- (2) Obtain the written test result and submit it to an independent medical review at the employee's expense.
- (c) The decisions and findings of the City Manager shall be final and determinative.
- (d) The employee may use City's medical benefits, to the extent that coverage may apply, for meeting the costs of subsection (b) (1) and (2) above.
- (e) During the period of an appeal and any resulting inquiries, the pre-employment selection process for an applicant will be placed on hold, and the employment status of an employee may be suspended. An employee who is suspended pending appeal will be permitted to use any available annual leave in order to remain in an active pay status. If the employee has no annual leave or chooses not to use it, the suspension will be without pay.

#### **Section 14.11. Confidentiality and Record Keeping.**

The results of all tests will be treated as confidential. Each applicant or employee will be required to sign a statement at the time of testing to allow release of the results to the City. This information will only be known to the testing laboratory, the City Manager, and other employees with the "need to know" such as appropriate officers, the HR Director and the employees' immediate supervisor. However, any governmental body may obtain the testing results as a part of an accident investigation, without the express written consent of the tested individual, provided the governmental body has legal authorization to secure such results. No drug test results will be released to a subsequent employer without the written consent of the employee.

All records pertaining to the Drug Testing Program will be maintained in a locked receptacle by the City Manager or designee as required by the State Schedule of retention.

#### **Section 14.13. Voluntary Rehabilitation.**

**Referral after Testing.** Disciplinary action based on a violation of this drug and alcohol policy is not suspended by an employee's participation in an abuse program after a confirmed determination the employee has been under the influence of drugs or alcohol while on duty. Disciplinary action, up to and including dismissal, may be taken against any employee with a confirmed positive test of a detectable trace amount of drugs or alcohol in his or her system while at work.

- (1) An employee who is in rehabilitation as the result of a positive test will be suspended, except that--when indicated by the circumstances of the case and the written recommendation of a licensed physician or recognized rehabilitation professional--an employee may be permitted to work while undergoing rehabilitation on an outside-of-work basis. The written recommendation must include a statement to the effect that the employee's

presence in the workplace will not constitute a safety hazard to the employee, co-workers or others.

- (2) An employee whose rehabilitative therapy involves drug maintenance, hospitalization or detoxification will not be considered for the exception from suspension described in subsection (1).
- (3) Rehabilitation assistance given by the City will be:
  - a. Limited to those medical benefits that may be available in the employee's medical benefits plan.
  - b. Obtained by the employee during times that will not conflict with the employee's work time, except that the employee may use any available sick leave or annual leave to be absent from the job with pay.
- (5) Participation in any such abuse program shall be at the sole cost and expense of the employee and, if applicable, his or her health insurance.

#### **Section 14.15. Coordination with Law Enforcement Agencies and Searches.**

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. The City will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. The City will cooperate fully in the prosecution and/or conviction of any violation of the law.

- (a) The City may conduct unannounced general inspections and searches for drugs or alcohol on the City premises or in the City vehicles or equipment wherever located. Employees are expected to cooperate.
- (b) Searches will only be conducted of individuals based on reasonable belief and only of their vehicles, lockers, desks, and closets when based on reasonable belief that the employee is in violation of this policy.
- (c) An employee's consent to a search is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, including discharge, even for a first refusal.
- (d) Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on the City property will be turned over to the appropriate law enforcement agency and the full cooperation given to any subsequent investigation. Substances that cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.

- (e) Other forms of contraband, such as firearms, explosives, and lethal weapons, will be subject to seizure during an inspection or search. An employee who is found to possess contraband on the City property or while on the City business will be subject to discipline up to and including discharge.
  
- (f) If an employee is the subject of a drug-related investigation by the City or by a law enforcement agency, the employee may be suspended pending completion of the investigation.

**Article 15. Reservation of Management Discretion****Section 15.01. No Implied Limitations.**

Nothing in this personnel policy shall limit the City in exercising the functions and discretion of management under which the City hires new employees, directs the work force, schedules hours of work, disciplines, suspends, discharges, or requires employees to observe city rules and regulations. The City reserves the right to amend, modify, and delete provisions of this and all other policies of the City. This policy is intended to set forth general guidelines that will be applied in most circumstances, however nothing in this policy: (a) prevents the City Manager from waiving any provision in a specific instance, case or matter; or (b) alters an employee's at-will employment status.

**Section 15.02. Reservation Of Rights.**

The City Council reserves the right to interpret, change, suspend, cancel or dispute, all or any part of this Policy, procedures or benefits discussed herein. Employees will be notified of any change. Although adherence to this Policy is considered a condition of continued employment, nothing in this Policy 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 any employee at any time, for any or no reason, with or without notice.

**Section 15.03. Other Laws and Regulations.**

The provisions of this Policy shall apply in addition to, and shall be subordinated to any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Should any section or part of this manual be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

**Article 16. Social Media, Internet, Computers, and Cell Phones****Section 16.01. Social Media Websites.**

For City employees, accessing social media websites (such as Facebook, Twitter, MySpace, etc.) or other non-work related websites (such as eBay, etc.) for personal reasons during working hours is not an appropriate use of our time and resources. No City employee may access social media websites or other non-work-related websites during working hours unless accessing those websites is part of an official criminal investigation or such website is directly related to employment duties and has been approved by the employee's supervisor. No City employee may use City equipment for furtherance of non-work-related activities.

**Section 16.02. Computers and Internet.**

Using the computer to play solitaire or other games is not an appropriate use of our time or resources. Employees who are experiencing slow periods in their work should be either volunteering to help others with their work, taking the initiative to improve operations, or improving their skills and knowledge through training. The internet has many valuable training websites IF the employee is completely caught up with their normal duties. Before accessing a website for training purposes, employees need to check with their department head to make sure that the website is appropriate training for the employee.

**Section 16.03. Cell Phones.**

Personal cell phone usage (voice or text) must not interfere with work responsibilities, true emergencies being the exception.

As public employees, we have the responsibility to maintain the public's trust in us as individuals and as an organization. All City employees need to be conscientious about using the computer, the internet, and cell phones during working hours and how it may appear to the public. Using City equipment, systems, and time wisely and efficiently will avoid embarrassing situations and possible disciplinary actions.

## **Article 17. Breastfeeding Policy**

### **Section 17.01. General Policy.**

The City of Rockdale recognizes a mother's responsibility to both her job and her child and acknowledges a woman's choice to breastfeed benefits the family, the City, and society. The City shall make reasonable accommodations for the needs of a breastfeeding employee. It is the policy of the City of Rockdale to comply with all state and federal laws as they relate to workplace breastfeeding.

### **Section 17.02. The City.**

Duration. The City will accommodate the breastfeeding-related needs of employees for a period up to one year from the birth of a child, including access to appropriate facilities, time, and assistance with equipment and storage.

Accommodations. The City will provide accessible, adequate, and private facilities other than a multiple user bathroom, for the employee's breastfeeding related needs. Each designated space will be shielded from view and free from intrusion from other employees and the public. The facility shall be equipped with suitable lighting and electricity if necessary for pumping apparatus. The space will be determined on a case-by-case basis in consultation with the employee and department.

Break Time. Normally scheduled break times and lunch periods for non-exempt employees will be primarily utilized for milk expression, with additional unpaid time utilizing leave time or time to be made up by the employee as mutually agreed upon by the breastfeeding employee and the supervisor. Employee must be completely relieved from duty during unpaid time. Break times can be combined and redistributed if needed and as agreed upon by the employee and her supervisor. The City will refer to the guidelines set by the Department of Labor to develop employee break time guidelines.

Storage. The City will make every reasonable effort to provide suitable facilities such as refrigeration units for milk storage during the employee's daily work period. If a City refrigerator is utilized, the employee's bottles or containers should be clearly labeled with the employee's name. Storage in a City refrigerator is limited to no longer than the end of the business day when it is expressed. Should employer-provided facilities not be available, an employee may store milk in her own personal cooler.

Discrimination. The City is prohibited from suspending, terminating, or otherwise discriminating against the employee because the employee has asserted the employee's rights under this policy.

### **Section 17.03. The Employee.**

Employee Responsibilities. It is the employee's responsibility to develop their own location schedule and to arrange their lactation schedule with their department. It is the responsibility of the breastfeeding employee to make the employee's supervisor aware of

the initial lactation schedule prior to or immediately upon returning to work and inform the supervisor if there are changes to the employee's lactation schedule throughout the year. It is the employee's responsibility to contact human resources for assistance finding a lactation room. It is the employee's responsibility to keep the designated space clean.

#### **Section 17.04. Human Resources.**

HR Responsibilities. Human Resources will provide consultation and interpretation of this policy. Human Resources will assist in finding lactation areas once the employee has requested accommodation.

#### **Section 17.05. Departments.**

Department Responsibilities. Departments must allow the employee to follow the lactation schedule provided by the employee and acknowledged by the employee's supervisor. Departments will ensure confidentiality on a need-to-know basis of all information disclosed by the employee and/or Human Resources with regards to an employee's breastfeeding or milk expression situation.

The City of Rockdale reserves the right to rescind and/or amend these guidelines, and all City policies, at any time.



## Article 18. Dress Code

### Section 18.01. General Guidelines.

Dress, grooming, and personal cleanliness are vital to the City's image as well as the morale of its employees. All employees are expected to present a clean and neat appearance and to dress in a professional manner while on City premises and/or while conducting City business. Reporting to work in a clean and professional manner helps the City to present a positive and professional public image.

Employees are expected to dress appropriately for their job and the nature of the work performed. All employees, at a minimum, must adhere to the following guidelines (excluding public works and police):

#### MEN:

- Jeans, slacks or dress type trousers, long or short sleeve shirts with collars or dress shirts with coat or blazer and appropriate shoes or boots.

#### WOMEN:

- Dresses, skirts, jeans or slacks and blouses, and appropriate footwear.

#### GENERALLY:

- No shorts, jeans with holes, and no t-shirts.
- Friday shall be a standing casual day, allowing employees the freedom to wear blue jeans and t-shirts that are appropriate for a professional business setting.
- The City Manager may declare a casual day at any time.

Employees who work at City Hall, as well as other City employees who routinely have citizen and other third party contact, must also abide by the following:

- A. No visible tattoos. Employees who have tattoos must keep them covered with a shirt, pants, skirt, socks, hosiery, or other clothing.
- B. No facial or mouth jewelry shall be worn. Women are permitted to wear a single or double earring in each earlobe provided the earring is not otherwise unprofessional in appearance. Men may not wear earrings.
- C. Beards and mustaches must be kept clean and neatly trimmed and/or within department guidelines.
- D. Hairstyles and hair colors must be appropriate to the employee's position.

In all cases, the City will make the determination as to what is acceptable dress and grooming. Normally, the Department Head will determine appropriateness; however, the City Manager has final determination. If there are any questions about the dress code, employees should ask their supervisor or Department Head.

Anyone who is not appropriately groomed or who dresses in violation of the policy will 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 and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.



# Business Casual Guidelines

## ACCEPTABLE Business Casual



## UNACCEPTABLE Business Casual



The City of Rockdale encourages a professional, comfortable and appropriate work environment. City of Rockdale employees are expected to dress in a professional manner while at work. Employees that are not required to wear a uniform are allowed to dress in a business casual manner, including wearing jeans, throughout the work week. It is a privilege and a benefit to dress in business casual attire and it is critical that employees dress appropriately and professionally for work while enjoying this benefit.

Below is a list of guidelines for business casual dress allowed throughout the work week:

- Jeans may be worn throughout the week. Jeans must be in good condition and should not be ripped, frayed, torn or stained. (Allowing jeans during the work week does not mean that casual dress is permitted; employees should still dress in a professional business casual manner).
- On days that employees have important meetings, such as City Council meetings or Commission meetings, employees should wear attire appropriate for the meeting.
- Clothes should not be revealing, should fit appropriately and should be professional and appropriate at all times.
- Printed or graphic t-shirts will not be allowed, unless they are City of Rockdale logo shirts or other approved area support shirts. In general, t-shirts should be worn on Fridays or other days as designated by the city manager.
- Sweatshirts, hoodies, shorts, flip flops, or other casual clothing will not be permitted unless authorized as special or theme days.
- Clothes, jewelry, piercings and hair styles should not be a distraction in the work place.

Supervisors are responsible for monitoring inappropriate attire and should address any issues with the employee. If there are concerns regarding these guidelines, supervisors are encouraged to talk with the city manager. Public Works and Police Dept will wear appropriate uniform designated by Dept Head.

## APPENDIX

### Calculation of Hours of Work

When computing non-exempt employees' hours of work as provided in Article 5 of the Personnel Manual, the following definitions and methods of calculating hours of work shall apply:

**External.** Not self-inflicted or due to personal negligence or violation of a safety policy, or drug/alcohol policy.

**Holiday Compensation.** All full-time hourly employees shall be paid an amount equal to one (1) day of pay at the employee's regular rate for each holiday recognized by the City. This time shall not be paid at overtime rate.

**Hours of Work.** All of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all time during which the employee is suffered or permitted to work for the employer shall constitute the hours of work.

**Lectures, Meetings and Training Programs.** Approved attendance at lectures, meetings, training programs and similar activities shall be hours worked unless: it is outside normal hours, it is voluntary, not job related and no other work is currently performed.

**On-Call Time.** An employee who is required to remain on call on the employer's premises is working while "on call." An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not working while on call.

**Overtime.** Time and one-half the regular rate of pay shall be paid to non-exempt employees for each hour of work in excess of regular time worked in a workweek or workweek cycle.

**Regular Time.** Forty (40) hours of actual work per workweek shall constitute regular time before a non-exempt employee is eligible for overtime or compensatory time, unless there is a City holiday. During a holiday week, the employee must work the available number of work hours before they are eligible for overtime. (Example: An 8-hour holiday during the week leaves 32 hours of available work hours. Once the employee reaches 32 hours worked for that week, any additional hours are eligible for overtime or compensation time.) Police Officers who are regularly scheduled to work forty (40) hours or more of work per week workweek cycle shall be full-time regular employee; however, Police Officers must actually work forty-three (43) hours of work per workweek cycle as regular time before a non-exempt Police Officer is eligible for overtime. In calculating regular time, such time shall not include the following utilized time periods during the workweek: vacation time, rest or meal periods as provided herein, sick leave, compensatory time utilized and other periods of time not otherwise permitted to be included as actual hours of work.

**Rest and Meal Periods.** Rest periods of a duration of 15 minutes or less are hours of work. Any rest periods of longer duration are not counted as hours of work. Meal periods of greater than 20 minutes for which the employee is completely relieved from duty for the purpose of eating a regular meal are not counted as hours of work. Meal periods for which the employee is not relieved and is required to perform duties, whether active or inactive, while eating are hours of work. All employees should take a meal period unless authorized by their supervisor to not do so.

**Travel Time.**

Home to Work Travel = an employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not counted as hours of work.

Home to Work on a Special Day Assignment in Another City = an employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except the time the employee would normally spend commuting to the regular work site.

Travel to Work Sites = time spent by an employee in travel as part of his/her principal activity, such as travel from job site to job site during the workday, is counted as hours worked.

Travel Away from the Community = travel that keeps an employee away from home overnight is travel away from the community. The time traveling is hours worked except when the employee travels outside of regular working hours as a passenger on an airplane, train, boat, bus or automobile.

**Violent.** Caused by physical force used so as to injure, damage, or destroy.

**Workday.** The period between the time on any particular day when an employee commences his/her "principle activity" and the time on that day at which he/she ceases such principle activity or activities constitutes the employee's workday. The workday may therefore be longer than the employee's scheduled shift, hours, tour of duty, or production line time

**Workweek.** Seven consecutive twenty-four hour days, or a total of 168 hours, beginning at Monday 6:00 a.m. and ending Monday at 6:00 a.m.

**Workweek Cycle.** Seven consecutive twenty-four hour days, or a total of 168 hours, beginning at Monday 6:00 a.m. and ending Monday at 6:00 a.m.

## APPENDIX

### Calculation of Pay

Pay per Week/Cycle = (Regular Time x hourly rate of pay) +  
 ((sick + vacation + holiday compensation) x hourly rate of pay) +  
 (Hours of Overtime x (1.5 x hourly rate of pay))

Compensatory Time = (hours of work x 1.5)

**Examples** (a seven day workweek is presumed):

1. Employee actually is at work 5 days for 8 hours each day. The employee has 40 hours of regular time.

Pay for week = (40 x hourly rate of pay)

2. Employee actually is at work four days for 10 hours each day and is off one-day of the week as a recognized holiday. The employee has 32 hours of regular time, 8 hours of overtime and an additional 8 hours of regular time for holiday compensation.

Pay for week = (32 x hourly rate) + (8 x hourly rate) + (8 x (1.5 x hrly rate))

3. Employee is actually at work four days for 8 hours each day and one-day the employee works 4 hours and takes 4 hours sick time. The employee has 36 hours of regular time and 4 hours of sick leave.

Pay for week = (36 x hourly rate of pay) + (4 x hourly rate of pay)

4. Employee is at work 4 days and works, scheduled or not, 34 hours. Employee takes 8 hours vacation on the 5<sup>th</sup> work day. Overtime is not permissible because actual hours worked is 34 hours.

Pay for week = (34 x hourly rate of pay) + (8 x hourly rate of pay = 42 hours regular pay)

5. Employee actually is at work 5 days for 10 hours each day. The employee has 40 hours of regular time and 10 hours at overtime pay.

Pay for week = (40 x hourly rate of pay) + (10 x (1.5 x hourly rate of pay))

## APPENDIX

### UNDERSTANDING OF DRUG AND ALCOHOL POLICY

By my signature of acceptance to the City of Rockdale, Texas, Personnel Policy Manual, I hereby acknowledge that I have received and reviewed a full and complete copy of the City of Rockdale's Personnel Policy and the Drug and Alcohol Abuse Policy contained therein; that I understand such policies; and further that I have had opportunity to ask questions about the terms, provisions, meanings, application and enforcement thereof.

I have also read and understand the following Statement of Policy by the City of Rockdale.

"The City of Rockdale is an a drug and alcohol abuse free work environment and that as an employee of the City of Rockdale, Texas, I am subject to testing for Drugs or Alcohol consistent with the policy therein stated and as amended from time to time.

These drug and alcohol policies are designed to bring to the City reliable service to the citizens and a safe and healthy working environment for co-workers and citizens through uniform administration of drug and alcohol policies and practices. The following minimum standards will be adhered to:

- (a) The use, abuse or trafficking of illegal drugs and/or substance abuse, on or off the job, will not be permitted.
- (b) Alcohol consumption and intoxication, as detailed in the Personnel Policy Manual, will not be permissible on city premises or during the performance of work related duties.
- (c) The conduct prohibited under the drug and alcohol policies of the City are grounds for immediate termination without regard to whether the conduct actually occurred.
- (d) Testing, as set forth in the Rockdale Personnel Policy Manual, is a condition of employment for all city employees to ensure the safest working environment and provide uniform policies in drug and alcohol testing."

I understand the City will attempt to apply its policies and regulations in a fair and impartial manner to achieve such objectives. However, I also understand such policies and regulations do not create any contract or due process rights for employees; are intended as a guide only for use and application within the City organization; and that a decision by the City Manager or the City Council, as applicable, with respect to any employment issue controlled by such policies and regulations, will be final and unappealable. I understand that I will be subject to drug and alcohol testing and that the acceptance of such testing is a condition of continuing employment.

**Acknowledgment of Receipt and Understanding**

The undersigned employee of the City of Rockdale, Texas, hereby acknowledges that I have received and reviewed a full and complete copy of the City of Rockdale’s Personnel Policy and the Drug Abuse Policy; that I understand such policies; and further that I have had opportunity to ask questions about the terms, provisions, meanings, application and enforcement thereof.

I have also read and understand the following Statement of Policy by the City of Rockdale.

"The City of Rockdale is an at-will employer and all employees are subject to termination for any reason or no reason at all, either voluntarily or involuntarily. I understand that this policy manual is a general guide and that the foregoing provisions of this policy manual do not alter my at-will employment or constitute an employment agreement or contract, nor does it guarantee continued employment. I understand the City of Rockdale reserves the right to change, modify, add or eliminate any provisions within this policy manual at any time without notice. I understand that the provisions contained in this policy manual are applicable to me. Any promises made to me, which conflict with the provisions of this manual, are effective only if in writing and signed by the City Council. I further understand that employees shall have the right to administratively appeal and file grievances with respect to disciplinary decisions and actions affecting their employment; provided that, consistent with such policy, the decision of the City Manager shall be final, subject only to an appeal to the Mayor by certain department heads as provided in the Personnel Policy. The decision of the City Manager or the Mayor, as applicable, shall be final and unappealable."

I understand the City will attempt to apply its policies and regulations in a fair and impartial manner. However, I also understand such policies and regulations do not create any contract or due process rights for employees; are intended as a guide only for use and application within the City organization; and that a decision by the City Manager or the Mayor, as applicable, with respect to any employment issue controlled by such policies and regulations, will be final and unappealable.

Any employee who is injured on the job and is transported to a medical facility for urgent care gives authority to that medical facility to release to the City of Rockdale HR Director a copy of the blood work for drug/alcohol testing.

Date of signature: \_\_\_\_\_

\_\_\_\_\_  
*[Signature of Employee]*

**PUBLIC INFORMATION ACT**

**Chapter 552.001**

- (a) Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. The provisions of this chapter shall be liberally constructed to implement the policy.
- (b) This chapter shall be liberally construed in favor of granting a request for information

***REQUEST FOR CONFIDENTIALITY***  
**AS PERMITTED BY SECTION 552.024**

It is my understanding that, as a, municipal employee, my personnel file is subject to public access under the Public Information Act and that I may elect non-disclosure of certain personal information.

\_\_\_\_\_ I hereby notify the Human Resources Department that I elect non-disclosure of my home telephone number, home address, social number, and personal family member information as afforded under the Act.

\_\_\_\_\_ I hereby waive my right to non-disclosure of my home telephone number, home address, social number, and personal family member information as afforded under the Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name



**REQUEST FOR EXCUSED ABSENCE  
FROM WORK AS SCHEDULED**

EMPLOYEE: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date of Request: \_\_\_\_\_

*I am submitting a request for approved time off for the following reason: (circle one)*

**SICK LEAVE:**

Illness  
Non-job related injury  
Doctor appointment  
member

**ACCRUED VACATION:**

Vacation  
Personal business  
Funeral – Non-family member

**EMERGENCY (Funeral) LEAVE:**

Immediate family member  
Extended family member  
Personal involvement of Non-family

**JURY DUTY**

**MILITARY LEAVE**

**NON-COMPENSATED:**

In the event sick or vacation time is not available or not applicable

**OR: Department Head approved schedule change.**

**BEGINNING DATE:** \_\_\_\_\_ **ENDING DATE:** \_\_\_\_\_

**Please indicate dates of requested time absent and hours requested for each date.**

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
<b>Date</b>														
<b>Hours</b>														

**Total Hours Requested:** \_\_\_\_\_

Employee Comments/Reason for Requested Time Off: \_\_\_\_\_

Department Head Comments: \_\_\_\_\_

Department Head Approval/Denial: \_\_\_\_\_

*(City Manager approval required for Department Heads only)*

Employee Anniversary Date: \_\_\_\_\_

Vacation Hours Available: \_\_\_\_\_

Sick Hours Available: \_\_\_\_\_

*This form to be turned in by employee to Department Head to review request (note approval or denial) prior to time being taken, except in emergencies; then submit to City Hall for filing. This form should accompany ANY absence from work.*

Revised 11/10

**CITY OF ROCKDALE  
SUPERVISOR'S REPORT OF EMPLOYEE ON THE JOB INJURY**

Employee Name: \_\_\_\_\_

Classification: \_\_\_\_\_

Social Security #: \_\_\_\_\_

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

Date of birth: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

(Check One)

First Aid Only (Not seen by Doctor/ER/Clinic)

Phone: \_\_\_\_\_

Medical (Seen by Doctor/ER/Clinic)

Lost Time (Seen by Doctor/ER/Clinic and off from work)

Hire Date: \_\_\_\_\_

Date of Accident: \_\_\_\_\_

Rate of Pay: \_\_\_\_\_

Time: \_\_\_\_\_ a.m./\_\_\_\_\_ p.m.

Check one:  Single  Married

Date lost time began (if applicable): \_\_\_\_\_

Number of dependents: \_\_\_\_\_

Location and Brief Description of Accident:


Nature of Injury:


Part of Body Injured: \_\_\_\_\_ (please indicate right or left where applicable)

List Witness(es): \_\_\_\_\_

\*\*\*\*\*

**SUPERVISOR TO COMPLETE THE FOLLOWING:**

Had you instructed the employee on a safe method of operation? \_\_\_\_\_

Do you believe the employee was under the influence of alcohol or drugs? \_\_\_\_\_

Was safety equipment or regulation in use at the time of accident? \_\_\_\_\_ Yes \_\_\_\_\_ No

If No, state the reason:


Have you taken steps to prevent reoccurrence? \_\_\_\_\_ Yes \_\_\_\_\_ No

If No, state the reason:


Has there been any disciplinary action taken? \_\_\_\_\_ Yes \_\_\_\_\_ No (If Yes, explain)


Has your employee returned to work? \_\_\_\_\_ Yes \_\_\_\_\_ No Date/Time Returned: \_\_\_\_\_

If your employee has not returned to work, state probable length of disability: \_\_\_\_\_  
(Note: A doctor's release form is required with work status indicated for return to work)

Date of this report: \_\_\_\_\_ Supervisor's Signature \_\_\_\_\_

**STATEMENT CORRECT:**

**I have read the Supervisor's Report of Injury regarding my on the job injury and all facts stated therein are correct. I have been informed that I am covered under Texas Worker's Compensation coverage for medical expenses incurred as a result of this injury.**

Date: \_\_\_\_\_ Employee Signature \_\_\_\_\_

If employee wants to correct information please indicate corrections below:


<b>CITY OF ROCKDALE Accident Report</b>	
<b>Name:</b>	<b>Today's Date:</b>
<b>Supervisor's Name:</b>	
<b>Accident Date &amp; Time:</b>	<b>Vehicle or Equipment Involved:</b>
<b>Location of Accident:</b>	
<b>Please list the damage to the equipment (if any):</b>	
<b>Employee's Injuries (if any):</b>	
<b>Were others involved in accident</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	
<b>If yes, please attach the accident report from the police department.</b>	
<b>Employee's Signature</b>	<b>For Office Use Only:</b>
<b>Supervisor's Signature</b>	
<b>City Manager's Signature</b>	Date Received _____
	Verified Details _____

<b>CITY OF ROCKDALE</b> <b>Outside Employment</b>	
<b>Name:</b>	<b>Date:</b>
<b>Please fill form out completely.</b>	
<b>Name of Business:</b>	
<b>Number of Hours of Work Per Week:</b>	
<b>Description of Duties:</b>	
<p>I agree that my outside employment will not interfere with my performance of duties with the City and does not involve the use of City time or equipment. I also agree that I may not work more than twenty-four (24) hours in any workweek and such employment shall not interrupt, interfere with or be detrimental to my performance of duties. I will report, in writing, any injury occurring while engaged in outside employment to the City Manager. I also understand that an injury occurring while engaged in outside employment may reduce my benefits otherwise granted in the Personnel Policy. I also understand that I am required to complete a new form when and if any of the above information changes.</p>	
<p>_____</p> <p>Signature of Employee</p>	
<p><input type="checkbox"/> Approved                      <input type="checkbox"/> Denied</p>	
<p>_____</p> <p>Date</p>	<p>_____</p> <p>Signature of City Manager</p>

**CITY OF ROCKDALE  
Waiver Release Form**

<b>Employee's Name:</b>	<b>Date:</b>
<b>Social Security Number:</b>	<b>Phone Number:</b>

“I voluntarily release and forever discharge the City of Rockdale from any and all liability, claims, actions or rights of action which are in any way related to employment. I agree to indemnify and hold the City of Rockdale harmless from any and all cost or damages, including attorney fees, incurred in connection with the employment of

\_\_\_\_\_. I further agree not to sue, assert or otherwise maintain any claim or cause of action against the City of Rockdale arising from the employment of \_\_\_\_\_.

I assume the risk and financial responsibility for any injury resulting while \_\_\_\_\_ is employed at \_\_\_\_\_.  
(Employee's Name) (Company's Name)

<b>Name of Business:</b>	<b>Date of Employment:</b>

**Signature of Authority:**