



# CITY OF WILLIS, TEXAS

## PERSONNEL POLICY MANUAL

Adopted by the City Council

June 15, 2004

As amended through June 16, 2020

As amended through February 20, 2024

As amended through November 19, 2024

## INTRODUCTION

The City of Willis seeks to recruit and retain the very best employees to be part of our team: individuals who have high personal and professional standards and possess the education, experience and expertise required to serve our community. To reach this goal of superior service and integrity, we must insist upon excellence in everything we do and in all those who are part of the City's workforce. This Personnel Policy Manual ("Handbook"), while not a contract, clearly defines our expectations for all levels of employees and holds them accountable for demonstrating behavior that supports our objectives.

**This Handbook and the policies contained in it are not a contract of employment, do not constitute a guarantee of employment for any specific duration and are not all-inclusive of every situation. This Handbook does not alter the at-will employment relationship between the City and its employees in any manner. At-will employees may be terminated at any time and for any legal reason by the City.**

All successful employees of the City of Willis must consistently meet our goals by:

- Serving our citizens and fellow employees with superior internal and external customer service at all times;
- Striving continuously to improve efficiency;
- Communicating effectively with other employees and the management team;
- Accepting and facilitating positive change; and
- Reporting to work on time and prepared.

Employees can expect the City to provide them with a work environment that is fair. Employees will be compensated for results achieved and presented with both challenges and opportunities every day. Employees should go home each day feeling good about their role and contributions in serving our community!

**CITY MISSION STATEMENT** The mission of the City of Willis is to provide high quality services, accountability and professional commitment to our citizens. We pledge to provide those who live, work and visit our City an effective government that is open and responsive to the needs and values of the community.

**CITY VISION STATEMENT** It is the City Council's resolve that the city's mission statement will instill a sense of pride and accomplishment in its citizens and that the City will be known as a progressive, innovative, balanced and environmentally sensitive community while preserving the foundation of our past.

**DISCLAIMER** Should any paragraph, sentence, clause, phrase or section of this handbook be adjudged or held to be unconstitutional, illegal or invalid, the same will not affect the validity of this policy as a whole or any part of the provision thereof other than the part so decided to be invalid, illegal or unconstitutional and will not affect the validity of the remaining portions of this policy.

### **Non-Contractual Relationship**

The regulations herein provided are merely general guidelines that the City may unilaterally rescind or modify at any time without notice. The regulations are not a contractual obligation. The relationship between the City and its employees is at-will unless the City and the employee have

a specific written agreement detailing a contractual agreement specifically waiving the at-will employment relationship.

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**ARTICLE I: HIRING, COMPENSATION, BENEFITS AND LEAVE**

**SECTION 1: EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER**

The City of Willis provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, genetic information, or any other status protected by state or federal law. In addition, the City of Willis complies with applicable federal, state, and local laws and regulations governing nondiscrimination in employment.

## **SECTION 2: EMPLOYMENT WITH THE CITY**

Our employment selection process is based on finding the most qualified employees for each and every position.

### **2.1 Equal Opportunity**

Elected and appointed officials, department heads supervisors, and employees of the City shall not discriminate on the basis of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, genetic information, or any other status protected by state or federal law, in selection, training, raises, promotions, terminations, discipline, layoff, use of employee facilities or programs, or any other condition or privilege of employment except in cases of a bona fide occupational qualification (BFOQ) or where it is required by state or federal law. Reasonable accommodations shall be made for qualified individuals with disabilities and those who are pregnant to afford them the same opportunities for selection under all conditions and privileges of employment as all other applicants and employees.

### **2.2 Rehire Eligibility**

Former employees of the City of Willis who left employment in good standing are considered eligible for rehire. Former employees who resigned in good standing and then are rehired within 12 months will have their full-time anniversary date reinstated for paid time accrual, longevity accrual, and TMRS purposes only. Any tenure used for shift selection or other similar means begins again with the new start date.

Former employees of the City of Willis who were dismissed for reasons of misconduct or performance, or resign in lieu of termination, are considered ineligible for rehire.

### **2.3 Vacancy Advertisement**

Job Opportunity advertisements are posted on our City website and various other websites and publications. At a minimum, job openings will be posted for three days on the City of Willis website. This provision does not preclude promotions or transfers being done internally without advertising.

### **2.4 Application Requirements**

Persons seeking employment with the City of Willis will be required to complete an application online at the [City's website](#) or in person at City Hall. This includes any current employees who are seeking transfer or promotion to a posted position. First consideration will be given to a qualified employee within the City who desires to be consider for the job. An interested employee should inform their supervisor and HR of their interest in the Job and follow all application requirements.

### **2.5 Application Acceptance and Review**

All applications submitted will be reviewed by Human Resources. Applicants who meet the minimum qualifications and education requirements for the position will be referred to the respective hiring manager for reviewing and/or interviewing and final selection.

## **2.6 Criminal Background Checks**

The City will notify applicants who are subject to a background check as part of the hiring process that the applicant's criminal background will be checked in advance of the check being conducted.

## **2.7 Grounds for Rejection**

The City reserves the right to reject applications for reasons including but not limited to the disqualifications listed below:

- Applicant lacks the minimum requirements listed in the job description/posting.
- Applicant is not capable of performing the specific required duties of the job.
- Applicant has made false or misleading statement or attempted to deceive or falsify information contained in their application.
- Applicant is addicted to and/or currently using narcotics or alcoholic beverages.
- Applicant has a relative currently employed by the City such that his or her employment would violate the City's Nepotism Policy.
- Any rejection of an applicant based on a criminal background check must be made by Human Resources following an independent review in accordance with the federal and state laws and regulations focusing on whether the conduct underlying an arrest or conviction is inconsistent with the job duties of an applicant's potential position or business necessity of the City. If a rejection is determined, the City follow the best practices of:
  - Notifying the candidate via phone or email that he or she has failed the background check and will receive both a letter and the report used to make the determination;
  - Create and mail a Fair Credit Reporting Act notice for the applicant; and
  - Keep a copy of the letter and report with the application.

The City determines a failed criminal background check by weighing three items: The nature of the crime; how much time has passed; and the nature of the job for which the person is being considered. The City will also consider the number of convictions, whether the applicant has worked successfully after the conviction, any rehabilitation efforts the applicant has undergone and reports from the character references.

## **2.8 Interviews**

Interviews will be structured and conducted in such a manner as to appraise the applicant's qualifications and ability to perform the essential functions of the position with or without reasonable accommodations. All applicants meeting the minimum requirements are not promised or guaranteed a job interview. The interviews may be conducted by a panel of interviewers selected by the Department Director.

## **2.9 Rating and Evaluation**

Rating and evaluation of education, training, and experience will be based upon the information included in the application as well as any other data secured through the interview or from other sources. Any information gathered in the application process may be investigated to verify truth and completeness. For positions requiring specific educational achievements, a copy of diplomas, degrees or certifications may be required.

### **2.10 Selection Review**

The hiring manager and/or department director will make the selection of the most qualified applicant. The hiring manager and/or department director will then submit the selection to Human Resources to begin the hiring process. Starting pay for the selected applicant will be made in exact accordance with the City pay plan. Any recommendation of a wage above the minimum of the associated pay grade must be authorized in writing by the City Manager. Such request requires written justification substantiating the increase and the City Manager reserves the right to refuse such a request. Any agreement, oral or implied, that differs from that described herein will not be honored. Offers of employment will be made through the Human Resources office.

### **2.11 Medical and Other Examinations**

A post-offer drug screening test is required for all prospective employees. Post-offer pre-employment physical examinations are required for all personnel performing duties outdoors and/or of a physical nature. Post-offer pre-employment testing and examinations will be performed by a physician designated by and at the expense of the City. No one will be allowed to start work before the examining physician certifies the candidate meets the minimum standards of physical fitness required for the position with or without reasonable accommodations and the drug screen is negative. Applicants will be made aware of this requirement at the interview or upon receiving a contingent offer of employment. Certain jobs will require additional tests, vaccinations, and/or annual physicals for continued employment and as required by statute. Certain other positions may require a polygraph exam and/or psychological exam as noted in the job descriptions.

### **2.12 Employment at Will**

All employment by the City of Willis is in the form of at-will employment, meaning that it can be terminated by either the employer or employee at any time for any lawful reason or no reason; nothing in these regulations will be held to alter the at-will nature of such employment.

No supervisor, department head, administrator, or City Manager of any kind has any authority to offer or enter into a contract with an employee that is not specifically approved by the City Council.

### **2.13 Part-Time**

Part-time, temporary, and seasonal employees may not be eligible for some full-time employee benefits provided by the City. Part-time, temporary, and seasonal employees will not be allowed to work more than 1,000 hours per calendar year, unless formally budgeted for more than 1,000 hours per year.

## **SECTION 3: PROBATION PERIOD**

### **3.1 New Hire Probation**

All new employees, and any current employees who move to a new position serve an initial probation period of six (6) months. Exceptions include a one-year probation period for specific public safety positions. Under certain circumstances, these periods may be extended with written authorization of the department director or City Manager. The extension of the total probation period will not delay eligibility for any benefit effective upon the completion of six months of service with the City. During this time, the employee will be evaluated to ensure their performance meets the standards set by the department and the City of Willis. At the completion of the probation period, every employee will receive either a written or informal performance evaluation with from their supervisor.

An important part of this probation period is the ability to perform the essential functions of the job description consistently. Regular attendance will be reviewed and evaluated by the supervisor, and it is critical that all employees, both during and after an probation period, report to work regularly and on time.

For new hires, it is important to know that employees are not yet covered by the Family Medical Leave Act (FMLA) because the FMLA requires that employees have been employed one full year and have worked at least 1250 hours in the preceding 12 months. Please see City's FMLA policy.

### **3.2 Job Performance during Probation Period**

During the initial probation period, the supervisor may work very closely with the employee to ensure that the individual has learned the job duties and developed the skills and abilities necessary to perform the essential functions of the job. Satisfactory job performance includes, but is not limited to: regular attendance, punctuality; proper conduct toward the supervisor, fellow employees, and general public; and satisfactory performance the duties of the position. During the initial probation period, employees may be dismissed at any time without recourse to any appeal procedure. An employee terminated any time during the probation period, for any reason, is not entitled to any review, redress, or grievance procedure, nor do they have any property interest in continued employment with the City.

### **3.3 Job Transfers During the Probation Period**

Employees serving in the introductory period may not request or make application for reassignment, promotion, or voluntary transfer during the probation period without approval from the City Manager. If the reassignment, promotion, or transfer is approved, the employee will serve a six (6) month introductory period in the new position beginning with the date of the position change.

## **SECTION 4: COMPENSATION**

### **4.1 Pay Plan**

The pay plan and salary budget are submitted to the City Council for approval each year. The pay plan is based upon an analysis of job duties and responsibilities and is designed to compensate each job at a rate of pay appropriate for the level and type of work performed within an established pay grade and in relation to the City's competitive labor market. With information received from the department, Human Resources makes recommendations to the City Manager on the appropriate pay grade assigned to each position and pay grade. Human Resources shall be responsible for the administration, maintenance and revision of the City's pay plan and job evaluation program.

In administering its wage and salary program, the minimum standards of the City shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to City governments. This policy shall apply to all employees of the City of Willis who are not specifically exempt from the provisions of the FLSA

### **4.2 Compensation Definitions**

**Exempt:** An employee exempt from minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA"). Exempt employees primarily include those individuals occupying a bona fide executive, administrative, and professional position as defined under the FLSA.

**Nonexempt:** An employee covered by the minimum wage and overtime provisions of the FLSA. Nonexempt employees include hourly employees (where pay is directly related to the number of hours worked) and some nonexempt salaried workers (clerical, supervisory and paraprofessional job categories).

**Pay Period:** A pay period is designated for accounting purposes only and refers to a period of two workweeks beginning on Tuesday and ending on Monday of each week. All employees are paid biweekly with normal paydays occurring every other Thursday. Exceptions to paydays may occur due to City-observed holidays and official City closures.

**Business hours of the City:** The hours during which City offices and departments shall be open for business are Monday – Friday 8:00 a.m. to 4:30 p.m.

### **4.3 Timekeeping**

Every full-time and part-time employee is responsible for the accurate daily recording of their time worked. Exempt employees are responsible for completing their bi-weekly time entry as directed by the City's timekeeping system. Falsification of a time record may be grounds for disciplinary action up to and including termination. Employees should enter a description of any time missed in the notes section of the timekeeping system. Supervisors must thoroughly review the notes section for accuracy.

### **4.4 Garnishing of Wages**

No deduction or garnishment of wages will be allowed with the exception of: (1) levy of pay for money owed to the federal or state government; (2) court orders, such as child support payments; or (3) amounts deducted pursuant to a written agreement between an employee and the City.

#### **4.5 Overtime and Compensatory Time**

Non-exempt employees are those who are covered by the overtime requirements of the FLSA. Employees classified as “Non-Exempt” may be scheduled to work overtime, at the request of their supervisor, Department Director, or the City Manager when the City’s operating requirements, special events, or other needs cannot be met during regular working hours. When possible, advance notification of mandatory overtime assignments will be provided. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive prior authorization from their supervisor or Department Director before performing any overtime work. This means employees may not begin work prior to their scheduled work time and may not continue working beyond the end of their scheduled work time without prior authorization from their supervisor. Any overtime must be approved by the appropriate supervisor before submitting for processing and payment. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. The appropriate supervisor must approve any overtime worked on the employees’ time entry before submitting for processing and payment.

In calculating “hours worked” for purposes of overtime computation, hours worked shall include only hours spent in the service of the City (as defined in the FLSA) and shall exclude all paid leave. Except for Certified police, overtime shall be all hours actually worked in excess of forty (40) hours during the workweek. For certified police officers, overtime shall be hours worked in excess of 160 during the 28-day work period. A regular full-time, non-exempt (hourly) employee who is required to work 40 hours per work week, and 160 during the 28-day work week for certified police officers, will receive compensation for all hours worked in excess of 40 hours, at their overtime rate (regular rate x 1.5) Overtime hours include time worked over the standard work week as described by the FLSA guidelines.

Paid Sick, vacation, and holiday time, or any other leave of absence shall not be considered as time worked for purposes of calculating overtime pay. All overtime worked must be clearly reflected on the employee’s time records before it will be approved by the City.

A non-exempt employee who works overtime during a workweek shall be given compensatory time at a rate of one and one-half (1.5) hours compensatory time for each hour worked over 40 hours during the workweek. When an employee has reached the maximum compensatory time accrued of 240 hours allowed under the provision of the FLSA the employee shall be compensated in wages at the rate of one and one-half (1.5) times the employees regular rate for any additional overtime hours worked. Compensatory time is paid out at the time of termination, subject to all applicable taxes and TMRS deductions.

#### **4.6 Longevity Pay**

A longevity pay plan has been established to compensate regular full-time employees for their length of service with the City. Longevity pay is based on a per month rate of \$5.00 per month of employment with the City. Longevity pay will be paid on the last payroll of November as a separate payment and is considered part of an employee’s total compensation and affects Federal withholding, Social Security, Medicare, and TMRS (retirement) deductions. If an employee is no

longer employed on the last payroll of November, the employee's longevity pay will be paid on their final paycheck through the last full month of employment.

#### **4.7 Certification Pay**

Certain positions may be entitled to certification pay approved by the City Manager.

#### **4.8 On Call Compensation**

An employee on call will be compensated with an additional \$50.00 added to their salary the week they are on call. On-Call employees called back to the workplace will be paid at their regular rate of pay for their actual hours worked and are guaranteed a minimum of (2) hours pay for each call-out within the same 24-hour period.

#### **4.9 Holiday On Call**

Employees who are scheduled to be on call during a week that includes a City holiday and who are called back to the workplace on the City holiday, or anytime during their on call scheduled work week, will be paid at the rate of one and one half (1.5) times their regular rate of pay.

#### **4.10 Flex-Time Work Schedule**

In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek that the overtime was worked and must be accurately reflected on the affected employee's time record.

#### **4.11 Social Security Coverage**

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. In accordance with this plan, the City contributes an amount equal to that paid by each employee. The contributions are made to a federal fund from which benefits are paid upon the employee's death, retirement, or disability.

#### **4.12 Method of Payment**

City employees will be paid on a bi-weekly basis. Payday will be every other Thursday. Attendance records and other payroll information will be forwarded to payroll not later than noon on the Tuesday before payday. Employees are responsible for correctly filling out their time. If at the time payroll is being processed any time that is missing will be taken from employee's comp, vacation, or holiday time.

Employees are ultimately responsible for the accuracy of their own paycheck. This includes hours worked, dollar amounts earned, certification pay and any deductions such as health insurance or amount paid for federal taxes. Detailed paystubs will be available on the City payroll software ADP. Questions and/or corrections should be submitted to the Human Resources within seven business days of the associated pay day. Employees who fail to submit questions and/or corrections within the stated time waive objections to any errors in payments and acknowledge the City can deduct overpayments from future paychecks.

#### **4.13 Direct Deposit**

All payments will be made by the City of Willis in the form of direct deposit. Every employee is required to utilize direct deposit for all payroll related checks. Employees shall receive a paper check until the direct deposit process for new employee or banking change is active. Direct Deposit form can be requested from Human Resources.

#### **4.14 FLSA**

The FLSA establishes standards for minimum wages, maximum hours, overtime pay, record keeping, and child labor. All employees at every level in the City are responsible for compliance with the FLSA, as amended. The Human Resources Department is responsible for the administration and interpretation of the FLSA.

Department Directors/Managers are responsible for ensuring that employees adhere to and comply with established work schedules. Employees must obtain proper authorization prior to working outside their established work schedules. Employees who fail to obtain authorization to perform work that varies from their established work schedules may be disciplined for failure to obtain authorization but must nevertheless be compensated for all the time they worked.

Work time (hours worked) must be recorded exactly as it is worked. The dates worked and the number of hours recorded as being worked each day must accurately reflect what actually occurred. Employees who fail to accurately record all time worked or who falsify time records are subject to disciplinary action, up to and including termination.

Supervisors who approve timesheets which do not accurately reflect hours worked may also be subject to disciplinary action. The City operates in accordance with its compensation policy and in compliance with the FLSA, as amended. All employees are encouraged to ask questions about their status as exempt or nonexempt employees and rights under the FLSA. Questions should be directed to the employee's departmental personnel who handle payroll matters. The Human Resources Department may also be consulted on such matters.

The FLSA prohibits retaliation against an employee for filing a complaint, cooperating in an investigation, and/or initiating any proceeding under or related to the FLSA.

## **SECTION 5: MEDICAL, DENTAL, AND VISION COVERAGE**

All regular full-time employees of the City shall be eligible for coverage under the group hospitalization, medical, and life insurance program provided by the City after they have completed 90 days of service. The City provides an allowance towards premium for coverage of eligible employees, spouse, and their dependents and can vary by each budget year. The City provides coverage for Dental and Vision for employees and employees shall be responsible for any coverage for their dependents. Premiums for insurance shall be deducted from the employee's pay period.

Employees who leave the employment of the City may be eligible for continuing health insurance benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA), which is the financial responsibility of the employee. Consult with Human Resources about this program.

## SECTION 6: VACATION LEAVE

### 6.1 Accrual

All regular full-time employees of the City of Willis shall be eligible for paid vacation leave and said leave shall be accrued in accordance with the Vacation Accrual Schedule below. An employee shall be required to work for a minimum of six (6) months in a position to be eligible to accrue vacation before they may take any paid vacation. An employee hired on or before the 15<sup>th</sup> of the month shall earn one day for the months' vacation accrual for that month.

**Vacation Accrual Schedule**

YEARS OF SERVICE	HOURS ACCRUED PER MONTH	YEARLY TOTAL
Less than 10 Yrs.	6.67	10 days
10-14 Yrs.	10.00	15 days
15-19 Yrs.	13.34	20 days
20 Yrs. or more	16.67	25 days

### 6.2 Carryover limits

Employees may carry forward unused leave from year to year, however, under no circumstances will an employee be permitted to carry more than 180 hours of vacation leave by the end of the year. Employees will be responsible for keeping track of their time at any given time, they must begin reducing their time before the end of the year, or it will be lost. An employee will not be allowed to receive pay in lieu of taking time off for vacation.

### 6.3 Vacation Requests

Employees shall submit their request for annual vacation leave to their Supervisor during the first month of each calendar year, or at least ninety (90) days in advance of the time away from work. Supervisors shall schedule the vacations of their employees with considerations being given to seniority, operating needs of the department, and employee request.

Employees shall not be allowed to borrow vacation against possible future vacation earnings. If a holiday falls during the period an employee is on vacation, the holiday time will be used and not charged against the employee's vacation balance.

If an employee becomes ill while taking vacation leave, the period of illness may be charged against the employee's sick leave balance and not vacation if:

- The employee promptly notifies their Supervisor of the illness;
- The employee provides the Supervisor with acceptable proof of illness; and
- The Supervisor authorizes to charge the period of illness to sick leave

### 6.4 Vacation payout on separation

Employees who have been employed for less than six (6) months in a position which accrues vacation shall receive no pay for accrued vacation at the time employment ends. Employees who have been employed six (6) or more months in a position which accrues vacation shall be paid for

all unused vacation at their regular rate upon resignation of employment provided a minimum of two weeks' notice is submitted.

The maximum amount of vacation an employee shall have available for use at any given time is the amount of unused vacation the employee has at the end of the previous month, but the employee is still limited to 180 hours, or less.

If an employee is rehired by the City, within 365 days of their separation from the City, the employee shall be reinstated with the same benefits they had when they left the employment of the City. These employees are required to satisfy the requirements of the six-month probationary period.

## SECTION 7: HOLIDAYS

All regular full-time employees of the City shall be eligible to receive a day off with pay for each official City holiday and one personal holiday that can be used when the employee designates subject to supervisor approval. However, the Police Department adheres to a different work schedule for the holidays. The Manager will inform you of your schedule.

To receive the paid holiday benefit, an employee is required to work the day preceding the holiday and the day following the holiday in accordance with the employee's normal work schedule unless the absence is approved by the employee's Supervisor.

Regular full-time employees shall receive eight (8) hours pay for each official holiday. The following are the official holidays for the City:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19 <sup>th</sup>
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veterans Day	November 11 <sup>th</sup>
Thanksgiving Holiday	Fourth Thursday in November and Friday which follows
Christmas Eve	December 24 <sup>th</sup>
Christmas Day	December 25 <sup>th</sup>
One Personal Day	

If an employee's job requires him/her to work on an official holiday, the employee shall be paid for that day of work and shall be given another day off with pay within the next thirty (30) days.

An employee who is on leave of absence without pay shall not be paid for any official holidays that occurred during such leave.

## SECTION 8: WORKERS' COMPENSATION

The City of Willis carries workers' compensation insurance for all employees. Workers' compensation is a complicated system and employees can feel free to contact Human Resources at any time with questions. An employee's right to be educated about the workers' compensation system is protected by law.

### 8.1 Occupational Injury

Under the workers' compensation program, an employee who suffers a job-related injury or job-related illness shall be eligible to have all medical expenses paid for such injury or illness and, if the employee is unable to work for more than seven (7) calendar days the employee shall be eligible to receive salary continuation benefits.

An employee who suffers an on-the-job injury or job-related illness shall notify their supervisor as soon as it is reasonably possible and will fill out the appropriate reporting forms. Failure to report job-related injuries or illnesses in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or may delay benefit payments.

An employee absent due to worker's compensation must provide his or her supervisor with a weekly update of their status. In addition, following each workman's compensation doctor visit, the employee shall provide a written copy of the doctor's orders within 3 business days to the Director of Human Resources.

An employee who has been receiving workers' compensation benefits shall be required to provide a release from the attending physician before being allowed to return to work.

An employee who must miss work as the result of a job-related injury or illness shall automatically be granted occupational injury leave for the duration of the injury or for a period of up to ninety (90) days, whichever is less, in any one-year period.

An employee on occupational injury leave shall **not** continue to accrue vacation and sick leave.

Subject to the provisions set forth later in the policy, full-time regular employees who must miss work because of job-related injuries or illnesses shall be eligible to receive wage continuation payments, in exchange for workers' compensation benefits that will be turned over to the City.

Wage continuation benefits shall continue for the period of job-related disability or for ninety (90) days, whichever is less.

The wage continuation benefit shall not be charged against vacation, sick leave or other leave. The total amount of benefit paid an employee while absent from work due to a job-related injury or illness, which includes any combination of workers' compensation disability income payments, city wage continuation payments or any other income paid by the City, shall not exceed the employee's normal gross pay

The wage continuation benefit shall be subject to the following provisions:

- The injury or illness must be the direct result of the employee performing their job. Injuries or illnesses that occur while travelling to and from work, while engaging in horseplay or while attending to personal matters shall not be deemed injuries or illnesses so as to qualify for the wage continuation benefit.
- An employee with a physical injury who is able, as determined by the attending physician, to perform light duty may be required to do so for their original department or for another department.
- An employee who does not qualify for wage continuation benefits or whose benefits are used up before being released to duty by the attending physician may use their sick leave and / or vacation to supplement their income.
- An employee who has used all wage continuation benefits, sick leave and vacation as the result of a job-related injury or illness before being released to return to work by the attending physician may be granted leave of absence, without pay, for up to ten (10) days if recommended by their Supervisor.
- An employee who is physically able and who fails to immediately report any on- the-job injury to their Supervisor, however minor, and they receives first aid treatments that may be necessary, shall not be eligible for or receive City wage continuation benefits for that injury if a disability results.

## **8.2 Termination for Reasons Other than injury or Disability**

This section does not preclude an employee from being terminated for reasons other than their disability or continued injury, as otherwise allowed by these regulations. An employee terminated for any such other reason is not entitled to the relief found in this section. This section does not preclude an employee from being terminated during an official reduction in workforce due to budget restrictions.

## SECTION 9: SICK LEAVE

### 9.1 Accrual

All regular full-time employees shall be eligible for paid sick leave. Employees shall accrue eight (8) hours of sick leave per month. Any unused sick leave at the end of the calendar year shall be carried over into the next calendar year provided it does not exceed the maximum limit for this benefit. The maximum accrual that can be carried over into a new calendar year is forty-five (45) working days, which is equivalent to 360 hours for full-time employees. Once the maximum of 360 hours is reached, no further sick leave can be accumulated. The City assumes no liability for any unused sick leave beyond the specified accrual limits.

### 9.2 Usage

Eligible employees may use accrued sick leave for absence from work due to:

- Personal illness or physical or mental incapacity;
- Medical, dental, or optical examinations or treatment;
- Medical quarantine resulting from exposure to a contagious disease;
- Illness of member of the employee's immediate household who requires the employee's personal care and attention; or
- Bereavement – up to five (5) days paid sick leave annually, non-accumulative, may be authorized by a Department Head in case of a death in the employee's immediate family. Immediate family is defined as parent, child, spouse, brother, sister, grandparent, parent-in-law, brother-in-law, sister-in-law, and grandchildren of either spouse.

An employee shall be responsible for notifying their Supervisor as early as is practicable on the first day of sick leave absence and request that approved sick leave be granted. If more than one day of sick leave is needed, the employee shall be responsible for notifying their Supervisor of the expected length of the absence on the first day of sick leave or shall be required to notify their Supervisor on a daily basis for each day they is unable to come to work.

An employee shall be required to request prior approval from their supervisor for sick leave to be used for non-emergency medical, dental, and optical appointments. An employee's Supervisor may request acceptable documentation of an employee's illness or injury in the event the absence lasts longer than three days, or where it is deemed necessary for approval or confirmation of sick leave request. The Supervisor must report the absence immediately to Human Resources for FMLA determination.

Employees shall not be allowed to borrow sick leave against possible future accruals. A full-time employee eligible to earn sick leave who begins employment on or prior to the 15<sup>th</sup> of the month shall earn eight (8) hours sick leave for the month.

The maximum amount of sick leave that an employee will have available at any given time is the unused balance at the end of the preceding month. There shall be no waiting period before an employee can use accrued sick leave.

### **9.3 No Payout for Unused Sick Leave**

Employees shall not receive compensation for unused sick leave balances at the time of termination of employment. Upon termination, any remaining sick leave shall be forfeited.

However, an employee who is rehired by the City within 365 days (12 months) following their termination may have any unused sick leave for their previous employment restored.

### **9.4 Sick Leave Donation**

The purpose of this policy is to allow employees to voluntarily donate accrued sick leave to a designated recipient employee who is experiencing a serious health condition and has exhausted their own sick leave.

Eligibility:

- Donor Eligibility: All employees with accrued sick leave are eligible to donate.
- Recipient Eligibility: Employees who are experiencing a serious health condition, or have an immediate family member with a serious health condition, and have exhausted their own sick leave are eligible to receive donated sick leave.

Donation Process:

- Employees wishing to donate sick leave must submit a written request to the Human Resources Director specifying the amount of sick leave they wish to donate and the recipient.
- HR will review and approve donations, ensuring they comply with company policy and legal requirements.
- The minimum amount of sick leave that can be donated is eight (8) hours and the maximum is eighty (80) hours.

Use of Donated Leave:

- Donated sick leave can only be used for the recipient's own serious health condition or that of an immediate family member.
- Donated sick leave will be added to the recipient's sick leave balance and can be used as regular sick leave.

Confidentiality:

- The names of donors and recipients will be kept confidential, except as required by law or necessary to administer the program.

## SECTION 10: FMLA

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. The Support for Injured Service Members Act of 2007 (also known as Military Family Leave) allows eligible employees to take up to 26 weeks of leave in any 12-month period. Applicable paid leave must be used concurrently with FMLA leave unless none is available. The 12-month period begins with the first day of FMLA leave. It is not based on the calendar year. The City measures the 12-month period as a rolling 12-month period measured backward from the date an employee uses leave under this policy. When an employee takes FMLA leave, the City subtracts the time taken during the last 12 months from the available leave (12 weeks, or 26 weeks for the care of an injured or ill service member) to determine the balance remaining.

### 10.1 Eligibility

Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

- Has worked for the City for at least 12 months; The 12 months of employment do not have to be consecutive (including temporary or seasonal work). If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count; however, with the exception of a break in service due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or if there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service.
- Has at least 1,250 hours of service for the City during the 12 month period.

### 10.2 Leave Entitlement

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent (but not a parent-in-law) who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member. The single 12-month period for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

For purposes of FMLA, serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

### **10.3 Intermittent Leave**

Under some circumstances, employees may take FMLA leave on an intermittent or Reduced Schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or Reduced Schedule leave requires the employer's approval. Examples of intermittent leave include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. Employees taking intermittent leave are required to comply with their department's call-in procedures before taking unscheduled intermittent leave, except in certain emergency cases. Reduced Schedule leave is leave based on a modified schedule that reduces the usual number of hours per work week, or hours per work day, that an employee is scheduled to work. Only the time taken as FMLA leave may be charged against the employee's entitlement when leave is taken intermittently or on a reduced leave schedule. Leave charges are in hours. The hours charged should be cumulative until such time as the total is equivalent to 12 normal workweeks. The City can temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position better accommodates the employee's need for intermittent leave or a Reduced Schedule. The temporary transfer may occur in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

### **10.4 City Leave and FMLA Leave**

#### **10.5 FMLA Leave Process**

If possible, employees should notify their departmental Medical Records Custodian (MRC) of the need to take leave prior to FMLA leave beginning. When the MRC receives such notification, if the employee has been off work for three consecutive days, without approved leave, or if the MRC, HRC, or management learns that an employee absence may be for an FMLA-qualifying reason, the MRC must initiate the leave process and inform the employee if their leave has been designated as FMLA protected. The notification must be given within five business days from the time it is determined that the employee's absence would qualify under FMLA. If the certification or supporting information submitted by the employee is incomplete or insufficient, the City will notify the employee in writing what additional information is necessary to make the certification complete and sufficient. Failure to submit adequate certification within seven calendar days may result in a denial of leave.

#### **10.6 FMLA Leave Exhaustion**

Employees who qualify for the protections of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), as amended, may request an extension (either paid or unpaid) of their leave of absence after FMLA leave is exhausted, as a reasonable accommodation. The City's third-party FMLA administrator will make a recommendation to Human Resources. The Department Director or designee will review each such recommendation on a case-by-case basis, and confer with the Human Resources Department before making a determination about whether the request for accommodation is reasonable. If an employee with a non-occupational injury or illness has

exhausted available FMLA leave and will not be able to return to work with or without reasonable accommodation, the employee may be laid off even if the employee has accrued MMSL or other personal leave available for use.

#### **10.7 FMLA Fitness-for-Duty Certification**

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

## **SECTION 11: ADA**

### **11.1 ADA Policy**

The City of Willis is committed to providing equal opportunity and reasonable accommodations to employees with disabilities. The City complies with the Americans with Disabilities Act and all other applicable federal, state, and local laws regarding disability discrimination and accommodation. Human Resources shall meet with an employee who has requested a reasonable accommodation in the workplace because of a disability to discuss and explain the options and sources of assistance that are available to the employee.

For purposes of this policy, a disability is any physical or mental impairment that substantially limits a major life activity.

A reasonable accommodation is a modification or adjustment of an employee's job or work environment that enables that employee to perform essential job functions or enjoy the same employment benefits and privileges as similarly situated employees without disabilities. Examples of reasonable accommodations include: modifying a workspace to make it wheelchair accessible, providing screen reading software, or adjusting an employee's work schedule to accommodate medical appointments. The City of Willis does not provide accommodations of a personal nature, such as eyeglasses or hearing aids.

Reasonable accommodations are available for the known physical or mental limitations of qualified employees with disabilities. An employee is qualified if they can perform essential job functions with or without reasonable accommodation.

The City of Willis is committed to providing accommodations so long as accommodations do not place an undue hardship on business operations or pose a threat to the health or safety of employees in the workplace.

### **11.2 Accommodation Process**

The City of Willis will actively engage in an interactive process with employees who request accommodations to determine what, if any, accommodation can be provided. The City aims to process requests for accommodations in a prompt and efficient manner.

Employees can request accommodations by contacting their immediate supervisor or human resources. Employees can contact human resources by phone, by email, or in person.

Employees who request accommodations will be asked to complete a Disability Accommodation Request Form and have a physician complete the Accommodation Medical Certification Form.

Once the City of Willis receives accommodation documentation, the City makes an initial determination about the employee's eligibility for accommodations. The City can request additional medical information or have an employee's medical information reviewed by a medical expert to make this initial determination. In addition, the City can ask employees to provide information about their educational qualifications and work experience if their reassignment to another position is considered as an accommodation.

If the City of Willis finds that an employee is eligible for an accommodation, the City notifies the employee's supervisor. The City works with the employee's supervisor to examine the essential functions of the employee's job and find what, if any, accommodation can be provided.

Determinations regarding accommodations are made jointly by the City and the employee's supervisors. Such determinations are made on a case-by-case basis.

Employees who are denied accommodations are notified of the denial and the basis for the denial. Employees can request to have further discussion with Human Resources to try and identify an alternative accommodation.

The City is not required to create a position, nor is the City required to dislocate a current employee from his/her position, in order to accommodate a person's disability. If a suitable alternative position is identified, the employee will be placed in the alternative position. If the employee secures another position within the City while still engaged in the interactive process, the process ends upon employment in the new position. If the interactive process ends with no viable continued employment solution for an ADA accommodation, the employee will be laid off.

Accommodations are reviewed annually. As part of the review, employees can be asked to provide updated medical information to demonstrate that the need for accommodations is ongoing.

Employees who have questions about the accommodation process should contact Human Resources.

### **11.3 Confidentiality**

All information obtained by the City of Willis concerning medical conditions or history of employees, including genetic information, is maintained in separate medical files and treated as confidential records that are disclosed only as permitted by law. HR representatives and supervisors who have knowledge of employees' medical information are prohibited from sharing such information unless others need to be informed.

### **11.4 Anti-Retaliation**

Retaliation for requesting or being granted a disability accommodation is prohibited. If an employee believes that they are subject to retaliation based on a disability accommodation(s) or a disability accommodation request, they should inform the Human Resources Department.

## SECTION 12: PWFA

### 12.1 PWFA Policy

Employees who need a temporary change to how, when, or where they work due to pregnancy or related conditions, may request a reasonable accommodation under this policy.

Examples of reasonable accommodations include but are not limited to:

- Light duty, or help with manual labor and lifting
- Temporary transfer to a less physically demanding or less hazardous position
- Additional, longer, or flexible breaks to drink water, eat, rest, or use the bathroom
- Changing food or drink policies to allow a worker to have a water bottle or food
- Changing equipment, devices, or workstation, such as providing a stool to sit on, installing a fan, or adding a lock to a clean meeting room to turn it into a temporary lactation space
- Making existing facilities easier to use, such as relocating a workstation closer to the bathroom
- Changing a uniform or dress code, like allowing maternity pants
- Changing a work schedule, like having shorter work hours or a later start time to accommodate morning sickness
- Breaks, private space (not a bathroom), and other accommodations for lactation
- Time off for prenatal or postnatal appointments
- Remote work or telework
- Leave to recover from childbirth, mastitis, pre- or postnatal depression

The City of Willis will approve such a request so long as the accommodation requested is reasonable and will not create an undue hardship for the company. The City will determine on a case-by-case basis whether a requested accommodation is reasonable or would create an undue hardship after considering the nature of the accommodation, the business needs of the City and its customers, the needs of the City's other employees, operations, and resources.

### 12.2 How to Request an Accommodation

Employees may make a request for an accommodation to Human Resources and a request for an accommodation should include an explanation of why the accommodation is necessary, including any physical limitations or risks you faced in the job. The request may also include a description of the accommodation being requested. A request should include the date when an accommodation will become necessary and the expected duration of need for accommodation.

Once a request an accommodation, the City will meet with the pregnant employee to discuss the particular needs. This discussion is intended to be an open and thorough exchange of ideas. If the accommodation requested is not reasonable or would not be effective, Human Resources may ask for other suggested accommodations or may suggest other accommodations themselves.

### 12.3 Approval Process

If the accommodation requested is minor (such as allowing water or snacks at the work site, providing a chair to sit on, or changing break times), the employee and supervisor may agree to implement the accommodation for the period of time that it is needed without seeking assistance from HR.

Approved accommodations will be implemented as quickly as possible. If a request is denied, the employee will be given an explanation of the denial and whether an alternative accommodation has been approved.

#### **12.4 Modification of Accommodation**

If an accommodation needs to be changed or extended during pregnancy, the employee should notify the appropriate supervisor or Human Resources to discuss modification of the current accommodation or to begin the process of requesting a new accommodation.

#### **12.5 Return to Work**

If the employee has been out on leave due to pregnancy, the employee will be returned to the employee's original position or its equivalent in accordance with the terms of the policy or policies that governed your leave.

### **SECTION 13: NURSING MOTHERS AT THE WORKPLACE**

In accordance with state and federal law, nursing and adoptive mothers will be provided a reasonable break time in order to express breast milk for their nursing children for up to one year after the child's birth or adoption (as applicable) each time the employee has a need to express the milk. The City will provide a private, secure location, other than a 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 for pumping apparatus. The employee and supervisor will agree on times for these breaks. In order to prepare such a designated space, the City requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility. For the purpose of this policy, a written request directed to Human Resources will suffice. Human Resources will work with facilities and department head to ensure that an adequate space is prepared and maintained for the duration of the period of time expressing is requested.

## **SECTION 14: EMPLOYEES' PERSONNEL RECORDS AND MEDICAL INFORMATION**

### **14.1 Employee Records**

Employees are required to update Human Resources with any changes to home address, personal phone number, and emergency contact information. TMRS requires employees to update their home address in the TMRS portal or via an official TMRS Address Change form.

### **14.2 Medical Information**

The City of Willis strives to protect the privacy of its employees' medical information to the greatest possible extent. To accomplish this, the City and its managers and employees are required to comply with the following guidelines regarding the confidentiality of medical information.

All medical information concerning employees will be maintained in separate, confidential medical files that are stored apart from regular personnel records. Only authorized employees will have access to the medical files, and access will be provided solely on a need-to-know basis. Further, access to the records shall be granted only in accordance with applicable federal and state laws and regulations, which include, but are not limited to: the Americans with Disabilities (ADA), the Occupational Safety and Health Act, the Family and Medical Leave Act, the Federal Rehabilitation Act, state Workers' Compensation law and state privacy laws.

Employees are hereby notified their medical information is confidential under state and federal laws and regulations and may not be discussed at any time with any person under any circumstances with limited exceptions. Exceptions include if employees require access to carry out their duties, or if employees discuss the information with the employee's own information at their request. If an employee is concerned about a co-worker's possible medical condition, the employee should contact the Human Resources Director.

Any employee who is found to have discussed medical information about another employee in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to and including termination from employment. In addition, employees who violate provisions regarding confidentiality of medical information may be subject to civil and criminal liability under state and federal laws and regulations.

All access to medical records must be approved by the Human Resources Director. If an employee believes that the medical information confidentiality policy has been violated, he or she should contact the Human Resources Director. If it is believed that the Human Resources Director has violated the policy, the employee should contact the City Manager. Medical records will not be provided to third parties except in compliance with state and federal laws and regulations including, but not limited to, a properly served and valid subpoena.

## **SECTION 15: USERRA**

The City complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA). If there are any discrepancies between the City's policy and USERRA, USERRA will take precedence.

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services. The City does not discriminate against past and present members of the uniformed services, or those employees considering application to the uniformed services.

All employees who return to their jobs will have the same seniority rights as others who have been continuously employed. An employee who does not return to their job within the time frame established by the USERRA will forfeit all seniority rights, and their employment may be terminated.

Regular City employees who are members of the National Guard or active reserve components for the United States Armed Forces shall be allowed fifteen (15) days off per year to attend authorized training sessions and exercises. The employee has the option of taking earned vacation leave for this military assignment, or they may take leave without pay to satisfy this requirement.

An employee going on military leave shall provide their Department Head with a set of orders within three (3) days after receiving them.

Any vacation or compensatory time earned by an employee prior to their call to duty may be used for such leave at their request.

## **SECTION 16: TEXAS MUNICIPAL RETIREMENT SYSTEM**

Eligible full-time and part-time employees are required to complete a Texas Municipal Retirement System (TMRS) new member form as a condition of their employment. Eligible part-time employees are those employees budgeted to work 1000 or more hours per year. Each member will deposit by payroll deduction seven percent of their gross salary as approved by the City Council. The City will contribute at a 2:1 ratio for each employee. An employee may contact Human Resources for further details on retirement benefits.

## ARTICLE II: RULES AND REGULATIONS

### SECTION 17: MAINTAINING A RESPECTFUL WORKPLACE

The City of Willis is committed to promoting an environment where employees respect each other regardless of their roles and levels of responsibilities and expects all employees to be respectful and professional towards their supervisors, co-workers, citizens, and anyone doing business with the City.

#### **17.1 Professionalism and Courtesy is Expected**

It is also the policy of the City for employees to be treated professionally and with respect by supervisors, other employees, and people who are doing business with the City.

Examples of respectful and professional behavior include the following:

- Treating others with civility and courtesy
- Engaging in active listening
- Speaking calmly and showing a commitment towards resolving issues and problems
- Respecting and valuing the contribution of others, regardless of their role or status
- Demonstrating patience, being engaged, and listening to the concerns of others Listening to and following the directives of supervisors
- Being attentive to requests from co-workers across the City and helping each other in achieving work objectives
- Effectively and productively managing disagreements with co-workers to avoid disruptions in the workplace
- Recognizing and respecting individual differences
- Abiding by applicable rules and policies, and addressing any dissatisfaction with, or violation of, policies and procedures through appropriate channels (e.g. chain of command or Human Resources)
- Demonstrating commitment to a culture where employees cooperate and collaborate to work together toward effective outcomes
- If in a leadership role, modeling respectful and professional behavior for subordinates as an effective coaching mechanism

City employees are expected to refrain from disrespectful and unprofessional behavior, such as:

- Using threatening or abusive language, profanity, or language that is intended to be or perceived by others to be demeaning, berating, rude, or offensive
- Shouting/Yelling/Raising your voice in way that intimidates others
- Intimidating, demeaning, or bullying others
- Making threats of violence, retribution, or harm
- Using racial or ethnic slurs
- Making inappropriate jokes or using insults regarding someone's personal characteristics including sexual orientation, race, culture, age, appearance, disability or illness
- Teasing, name calling, ridiculing, or making someone the subject of pranks or practical jokes
- Using sarcasm or cynicism as a personal attack on others
- Spreading unsubstantiated rumors or gossip
- Making actual or threatening inappropriate physical contact
- Throwing tools, office equipment, or other items as an expression of anger, criticism, or threat, or in an otherwise disrespectful or abusive manner
- Engaging in any pattern of disruptive behavior or interaction that could interfere with the workplace or adversely impact the quality of services

## **17.2 Employee Responsibilities**

City of Willis employees are responsible for engaging in and promoting workplace behavior that creates and maintains a respectful environment that promotes effective teamwork. It is the responsibility of every employee to report behaviors that are detrimental to this environment. Employees can report such behaviors to their supervision or to Human Resources.

## **17.3 Management and Supervisory Responsibilities**

Managers and supervisors have a greater responsibility and are held to a higher standard, not only to model respectful, professional conduct at the workplace, but also to maintain an environment of respect and effective teamwork in their work areas. Managers and supervisors should monitor the workplace for inappropriate behavior and must immediately take action to stop it, including reporting incidents of harassing behavior to the Human Resources.

## **17.4 Discrimination and Retaliation Prohibited**

The City of Willis prohibits employment discrimination on the basis of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, genetic information, or any other status protected by state or federal law. In addition, the City prohibits retaliation against employees who engages in protected activity under state and federal employment laws.

## **17.5 Harassment-Free Workplace**

City employees have the right to work in an environment free of unlawful harassment. Unlawful harassment is a form of employment discrimination that may violate Title VII of the Civil Rights Act of 1964 (Title VII) and other federal and state laws.

No employee should be subjected to unlawful harassment, and employees must not encourage or condone such overtures or conduct, whether verbal or physical. Any employee who engages in, perpetuates or condones unlawful behavior is subject to disciplinary action.

Petty slights, annoyances, and isolated incidents (unless extremely serious) may not rise to the level of violations of this policy; however, they may nonetheless be unacceptable for the workplace and can be addressed by the Inappropriate Conduct policy below. To be unlawful and a violation of this policy, the conduct must be based on an employee's protected class status and create a work environment that would be intimidating, hostile, or offensive to reasonable people.

## **17.6 Sexual Harassment Prohibited**

Unwelcome sexual advances, requests for sexual favors, and other verbal (slurs, jokes) or physical conduct of a sexual nature constitute sexual harassment if:

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

Examples of conduct that may constitute sexual harassment, particularly if repeated, pervasive, or severe in nature, include: bringing sexually explicit pictures, photographs, cartoons or objects to the workplace or sending through electronic communications; repeated requests for dates, sexual bantering, jokes or teasing; sexual innuendoes, gestures or leers; touching someone in a way that

makes them uncomfortable; stalking or assault. A supervisor violates this section if the supervisor grants opportunities or benefits because of a subordinate employee's submission to the supervisor's sexual advances or requests for sexual favors, or if the supervisor denies opportunities or benefits because of a subordinate employee's rejection or refusal to submit to the supervisor's sexual advances or requests for sexual favors. Supervisors who pressure subordinate employees for sexual favors in return for employment opportunities or benefits will be terminated after an appropriate pre-decision process, if the allegations of harassment are confirmed.

### **17.7 Harassment Based on Protected Status Prohibited**

Slurs or jokes, and other verbal or physical conduct relating to an employee's protected status, constitute harassment when this conduct:

- Has the purpose or effect of creating an intimidating, offensive, or hostile working environment
- Has the purpose or effect of interfering with an employee's work performance.
- Adversely affects an employee's employment opportunities.

An employee's intentions and motives are not the decisive factors in considering alleged harassment behavior: the effect of one employee's behavior upon another employee is the decisive factor. If an employee's behavior is considered to be offensive by another employee or if it has an intimidating effect upon another employee, harassment based on a protected status may be present. The unwelcomeness, frequency, and severity of the behavior determine whether harassment has occurred. For questions about whether harassing behavior meets the definition(s) above, please contact Human Resources.

### **17.8 Inappropriate Conduct**

The City of Willis has determined that the most effective way to limit harassing conduct is to address misconduct, even if it does not rise to the level of harassment actionable under the law. This policy prohibits behaviors that may not reach the level of harassment as defined in the City's Harassment-Free Workplace policy, but that nonetheless should not occur and are inappropriate in the workplace.

Inappropriate conduct does not have to be based on a protected status to be prohibited. Inappropriate conduct may not involve physical conduct and may not be severe or pervasive but is conduct that is nonetheless inappropriate and/or disruptive to the workplace and will not be tolerated.

### **17.9 Whistleblowing**

It is against the policy of the City of Willis for any supervisor to take an adverse employment action against an employee because the employee made a good faith report of a violation of law by a government entity or a public employee under the Texas Whistleblower Act, Section 554 of the Texas Government Code.

This section applies to all current and former employees, whether they are (or were) Probationary, Full-Time, Reduced Schedule, Part-Time, Seasonal, or Temporary, and regardless of their assignment, title, or position with the City. An employee or former employee must file a complaint of retaliation for reporting a violation of law by a public employee ("whistleblower" complaint) not later than the 90th day after the date on which the alleged adverse employment action occurred or was discovered by the employee through reasonable diligence.

Employees who have resigned or who have been terminated may also file a whistleblower complaint. The date the complaint is received by the Human Resources Department will be considered the date the complaint is filed.

Complaints must be filed in writing with the Human Resources Department.

All reports must include the following information:

- Contact information, including name, address, and telephone number of the Complainant.
- The Complainant's employee number and position (or former position) with the City.
- The nature of the alleged adverse employment action taken against the Complainant.
- The date of the alleged adverse employment action taken against the Complainant.
- The name of the employee's supervisor.
- The name of the individual who allegedly caused an adverse employment action.
- The facts that are the basis for the complaint, including dates that incidents occurred and names of individuals who may have knowledge of the facts.

**The City's whistleblower grievance process will not be initiated or invoked if the complainant fails to provide each point outlined above or fails to cooperate in the investigation and provide timely and accurate information relevant to the complaint as requested by Human Resources (or their designee). This is a prerequisite to suit under the Texas Whistleblower Act.**

### **17.10 Complaint Process**

For complaints of discrimination or retaliation other than complaints related to whistleblowing, employees wishing to file a complaint of discrimination or retaliation, and supervisors who have had potential discrimination or retaliation reported to them, should contact Human Resources.

#### Respond Appropriately When Employees Encounter Workplace Harassment

If employees experience harassment or witness it, they are required to make a report to the Human Resources Director. The claim will be promptly reviewed, investigated and the complaining party will be advised of the disposition or outcome. A substantiated report of harassment may result in disciplinary action up to and including immediate dismissal of the perpetrator. No employee will be subject to any retaliation or reprisal for the report of harassment made in good faith. Any employee who knowingly or maliciously makes a false harassment complaint or report will be subject to appropriate disciplinary action.

#### Participating in an Investigation

All employees are required to cooperate fully with the investigation of a harassment complaint. Investigations will vary from case to case, depending on a variety of circumstances. Whether employees are the complainant, accused employee, or merely a potential witness, confidentiality is crucial. The City will keep the information gathered as confidential as possible, consistent with state and federal laws and regulations. Both the accused and the complainant will have a chance to present their cases. The Complainant will need to provide the investigator *all* of the details regarding the allegation(s). The investigator has a duty to be fair to everyone involved and needs as much information as possible. The Complainant should be prepared to give the following information:

- The names of everyone who might have seen or heard about the offensive conduct;
- The names of everyone who may have had a similar experience with the alleged harasser;
- A chronology of when and where each incident occurred;
- The reasons they did / did not report the incidents earlier (if they have delayed at all); and
- Their thoughts on what the City should do to correct the problem and maintain a harassment-free environment.

The accused harasser is required to cooperate in the investigation, regardless of whether they believe the allegations to be true or false. Employees will be expected to answer questions completely and honestly and provide necessary information to respond to a complaint made against them. . Employees may be asked not to communicate with certain individuals during the course of the investigation. Employees must not retaliate against the complainant or anyone who participates in any way in the investigation. Employees must treat the identified individuals in the same fair and even-handed manner they would if no complaint had ever been raised. Failure to abide by these rules may result in discipline against the accused harasser, even if the investigation shows no harassment occurred.

Employees may be asked to provide details concerning alleged harassment between other employees. Employees have a duty to immediately report alleged harassment, discrimination and/or retaliation and to respond truthfully to the questions concerning allegations in the course of an investigation. Failure to report may result in discipline up to, and including, termination of employment.

### **17.11 Workplace Violence**

The City of Willis has a strong commitment to its employees to provide a safe, healthy and secure work environment. The City also expects its employees to maintain a high level of productivity and efficiency. The presence of unauthorized weapons and the occurrence of violent, hostile, abusive, or intimidating behavior in the workplace are inconsistent with these objectives. The City expects all employees to report to their work site without possessing weapons (with the exception of law enforcement employees authorized to carry weapons) and to perform their job without engaging in any of the behaviors described herein toward any other individual.

It is the responsibility of all supervisors to ensure that all employees are aware of this policy and legal guidelines. Employees who are victims of, or witnesses to behaviors described herein should immediately report such conduct to their supervisors or the Human Resources Director. Failure to report may result in discipline up to, and including, termination of employment.

### **Prohibited Activities**

The City of Willis specifically prohibits the behaviors outlined below. Disciplinary action, up to, and including, termination may result from any of the following:

- Use, possession or sale of any weapon on City property without proper jurisdiction;
- Storing any weapon in a locker, desk, City vehicle, lunch box, tool kit, bag, purse or other repository on a work site, or other similar location (excluding Certified Peace Officers authorized to carry weapons);
- Conviction under any criminal statute for illegal possession of a weapon or for committing a violent act against the person or property of another, whether on the job or at other times;
- Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee or a co-employee;
- Verbal, written, or physical threats, threatening gestures or statements, or any threatening behavior as defined by Chapter 22.01 of the Texas Penal Code;
- Intimidation through direct, conditional, or veiled threats;
- Intimidation through unjust exercise of power or authority;
- Harassing telephone calls, faxes, emails, correspondence or other transmissions;

- Any other act or behavior that is judged offensive, inappropriate, and violent in the workplace by the City Manager or a designated representative; or
- Engaging in any form of violence or committing a crime of violence.

**Reporting**

Any employee who witnesses an incident of violence or threatening language or conduct must report the incident to their supervisor or Human Resources immediately. No employee who reports an incident of violence or threatening conduct or participates in an investigation of such an incident shall be subject to retaliation for reporting an incident in good faith.

## **SECTION 18: ETHICAL STANDARDS OF CONDUCT**

It is critical for all employees that public trust is upheld. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only to the people of the City. Employees have an obligation to conduct themselves in accordance with the City's ethics rules. Employees who violate these regulations may be subject to disciplinary action, up to and including termination. A supervisor should contact Human Resources for assistance if a situation arises that might implicate the ethical standards of conduct. Employees are required to comply with Chapter 34 of the City of Willis' Code of Ethics.

### **18.1 City's Ethics Code**

In regards to expectations for ethical standards of conduct, consistent with the City's Ethics Code, it is required that:

- (1) City officers, officials, and employees are independent, impartial, and responsible only to the people of the city;
- (2) Governmental decisions and policies are made using the proper procedures of the governmental structure;
- (3) No city officer, official, or employee shall have any interest, direct or indirect, nor engage in any business transaction or professional activity, nor incur any obligation of any nature which is in conflict with the proper discharge of his or her duties in the public interest;
- (4) Public office shall not be used for personal gain;
- (5) The City Council shall be maintained as a nonpartisan body; and
- (6) City officers, officials, and employees shall fully comply with any federal and state statutes, laws, and regulations, as amended, concerning conflicts of interest.

### **18.2 Collection of Money or Gifts**

In addition, employees are not to use their positions for personal gain, or for the gain of their spouses or domestic partners and no employee shall accept or solicit, or knowingly allow his or her spouse or domestic partner to accept or solicit, any benefit, including a promise of future employment, gift, favor, service or thing of sufficient economic value, which might reasonably tend to influence or give the appearance of influence in the discharge of the employee's duties.

Employees should note that Chapter 3 of the Texas Penal Code contains specific provisions criminalizing certain offers and acceptances of gifts to public servants. Under the Texas Penal Code, a gift with a value or benefit of \$50 or more may be considered a criminal offense, in addition to being in violation of the City's code of ethics.

### **18.3 Improper Endorsements**

This policy relates only to endorsements that an employee makes in his or her capacity as a City employee, as a representative of the City, or while being identified as an employee of the City. This policy applies whether the employee makes the endorsement while on work time or not. Except as described herein, endorsements by City employees are generally prohibited to avoid a potential conflict of interest as described in the City of Willis' Code of Ethics. City employees are required to fulfill their responsibilities while avoiding any endorsement activities that impair or appear to impair their judgment in the discharge of their official duties.

However, allowable endorsements are as follows: Endorsements that are unsolicited by the vendor or anyone acting on its behalf, for example, an employee answering an impromptu question from a colleague from another City regarding what accounting software the City utilizes and whether the employee thinks it performs well; or an employee presenting the favorable results of a pilot program to City decision-makers in making a determination on a purchase; or endorsements made as part of a reference check or due diligence by an entity seeking to conduct business with a vendor where the vendor has listed the City as a current or former client for that purpose.

Employees contacted under these circumstances should request approval from their department head prior to providing information to the requesting entity. Any endorsement approved in writing by the City Manager after the terms and circumstances of the endorsement have been presented to him or her for review is allowable.

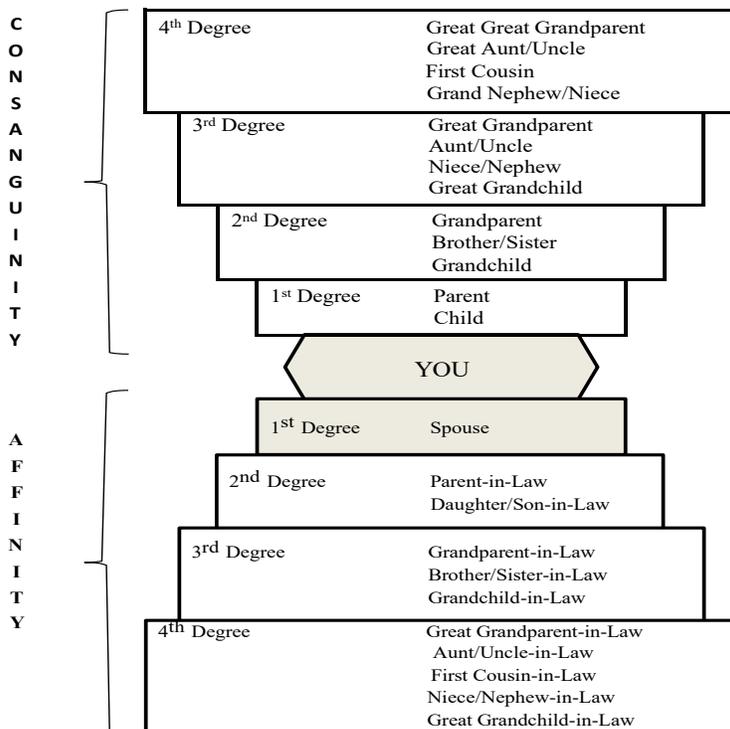
#### **18.4 Reporting Unethical Behavior**

If an employee believes that inappropriate, unlawful, or unethical conduct has occurred, they should report the suspected offending conduct to their supervisor or Department Director. If employees do not feel comfortable reporting the matter to their supervision or Department Director, they can report the issue to the Employee and Labor Relations Division of the Human Resources Department.

## SECTION 19: NEPOTISM

The City of Willis' policy for nepotism in regard to existing employees follows the same guidelines as listed in the employment section.

Employment of relatives is permitted; however, employees may not appoint or employ immediate family members, nor use their position to influence their appointment or employment. Employees shall not be placed in positions in which they would supervise or be supervised by an immediate family member; or be in a position where immediate family members could affect each other's employment, promotion, salary administration, or other related management or personnel transactions. While the City encourages amicable working relationships between members of management and their subordinates, involvement in a romantic relationship or a personal friendship that compromises or creates a perception that compromises a member of management's ability to perform his/her job are prohibited. Any relationships and behavior outside the workplace between management and subordinates that lead to favoritism, or a perception of favoritism, are also prohibited. Any involvement of a romantic nature between a member of management and anyone he/she supervises, either directly or indirectly, is prohibited. Violation of this policy may lead to disciplinary action, up to and including termination, for the management employee involved in the relationship. Failure by a supervisor to disclose their knowledge of a familial or personal relationship between employees that is prohibited by this section (including relationships involving the supervisor) to their supervisor or the Human Resources Department may result in disciplinary action, up to and including termination. Failure of an employee to disclose his or her involvement in a personal relationship that is prohibited by this section to their supervisor or the Human Resources Department may result in disciplinary action, up to and including termination.



Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

## **SECTION 20: ATTENDANCE**

### **20.1 Attendance**

The hours during which City offices and departments are open for business will be determined by the City Manager.

Employees are required to be at their places of work in accordance with the hours established by the City Manager and department regulations. General office hours are listed on the City's website, Monday through Friday, for a 40-hour workweek, but may vary by department. An employee who is habitually tardy for work, without excuse, may be subject to disciplinary action up to and including termination.

Each employee shall remain on the job until the normal quitting time for their job unless permission to leave early is given by the employee's supervisor.

If an employee is tardy or absent without prior approval, the employee shall be responsible for notifying their supervisor as soon as it is practical as to the circumstances causing the tardiness or absence.

If an employee is absent for three (3) consecutive days without giving notice to his or her supervisor, the employee will be considered as having voluntarily terminated employment based on job abandonment.

Except for certified police officers, and public works employees, the normal hours of work for the City of Willis shall be from 8:00 a.m. through 5:00 p.m. The normal days of work for all personnel except certified police officers, shall be Monday through Friday, except for official holidays. Public works employee normal hours of work shall be from 7:00 a.m. through 3:30 p.m. Monday through Friday.

### **20.2 Meal Breaks**

A 30-minute or one-hour allowance for meal breaks is customarily granted to regular full-time employees. This meal period is not considered work time if an employee is completely relieved of their work duties.

If an employee must continue their work duties through the meal or break period, this work time must be approved in advance in writing by their supervisor and recorded at work time.

Employees may receive up to two 15-minute breaks per standard workday, scheduled at the discretion of the supervisor, as long as such breaks do not interfere with work responsibilities. Rest and lunch breaks are not guaranteed and may not be accumulated or substituted for paid leave.

### **20.3 Engaging in Activities Other than City Business**

No employee shall engage or participate in private/personal business, secondary employment, or similar activities while on duty with the City of Willis.

### **20.4 Access to Work Email During Non-Working Hours**

No employees shall be eligible for wages for accessing, reading, or responding to City emails/calls during non-working hours, unless specifically approved in writing, in advance by their supervisor. The existence of a smartphone device allowing for delivery of such City email does not change

regular work hours or this directive. Any non-exempt employees specifically authorized to access City email outside of regular work hours by a supervisor must accurately record all of their time worked. The employees must keep a log of the date, time and duration of each call or email communication in excess of 10 minutes, including the purpose of the call or email. Be as descriptive as possible and include the subject and other party(ies) included in the communication. The logged information must be typed into payroll system on the employee's timesheet in order to be considered for compensation. Phone logs may be audited regularly.

All employees, both exempt and non-exempt, should not access City email accounts or conduct any work while on protected leave under the Family Medical Leave Act (FMLA). Employees on workers' compensation leave may only access City emails accounts and conduct work to the extent it has been approved by their physician, and in writing by Department head and Human Resources.

### **20.5 Hazardous Weather Conditions**

Employees are expected to arrive at work each day to be in place for the commencement of the workday, regardless of weather conditions. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, must use personal leave (comp time or vacation time) or unpaid time off for the time missed unless the City is closed due to adverse weather conditions, certain stipulations affect non-emergency and emergency services personnel differently.

In the event of adverse weather conditions, non-emergency personnel will either be notified by their immediate supervisor. Unless their supervisor notifies employees to stay home, employees are expected to report for work. Non-emergency personnel will be paid for any time the City is declared closed at their regular rate of pay. If employees determine that conditions are unfavorable for them to report to work, they must notify their supervisor and will be required to use vacation time or comp time for the hours missed. Non-emergency personnel who are non-exempt and not scheduled to work during the hours that City offices are closed due to inclement weather, but who are called to report for work or report to work anyway, will receive the normal rate of pay for those hours and will receive overtime pay only for actual hours worked in excess of the normal work week.

Emergency services personnel reporting to work as scheduled will be paid a their normal rate of pay. For the purposes of this policy, "emergency services personnel" are defined as:

- Police Officers who are scheduled to work during the hours City offices are closed due to inclement weather;
- Public Works employees who are regularly scheduled to work during the hours City offices are closed due to inclement weather; and
- Employees whose regular duties require the to respond to emergency situations, such as Building Inspectors, in order to take corrective actions and who are regularly scheduled to work during the hours that the City offices are closed during inclement weather.

### **20.6 Jury Service or Court Duty**

Employees who are required by due process of law to render jury service or court service will be expected to perform these duties and will be paid for the number of hours in which they are in court. Court service does not apply to personal court dates. A copy of the summons must be presented to the employee's supervisor and likewise, a copy of the services provided (dates

actually served) must be turned in upon the employee's return to work. If a summons is canceled prior to the court date, employees are expected to report/return to work.

### **20.7 Military Duty**

Employees will be allowed leave for military duty upon presentation of military orders in accordance with federal and state statutes. Wages equal to fifteen (15) days will be paid for military leave per fiscal year, regardless of the number of hours the employee normally works per day. Paid leave will only be given in lieu of regularly scheduled workdays.

### **20.8 Voting**

All employees entitled and registered to vote in national, state, county or municipal elections will be allowed sufficient time off with pay to exercise this privilege as determined by individual department director or the City Manager. Employees must request such time off at least 48 hours in advance of the voting day.

### **20.9 Telecommuting**

Employees are expected to work at their designated worksite during their department normal hours of operation. However, in cases of emergency situations or when approved by the department director, employees may be allowed to work at home, on the road or in a satellite location for all or part of their regularly scheduled work hours. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a City-wide benefit, is not permanent, and it in no way changes the terms and conditions of employment with the City. Equipment issued or used while telecommuting can vary by department.

Employees allowed to work from home agree to abide by the same policies outlined in this handbook, by the department, and by any additional directives issued by the City Manager.

In an emergency situation, certain City buildings or departments may be temporarily closed. In that instance, only the City Manager (or designee), can require those affected employees to work from home, use leave banks, or go on unpaid leave.

## **SECTION 21: CHILDREN IN THE WORKPLACE**

For the safety of all individuals and for the continuity of work practices, City employees are not to bring children to the workplace. In emergencies, when employees cannot be absent from the workplace, the Department Director may grant an exception to this policy. To request an exception, employees must submit a written request to the supervisor.

When an exception is granted and children are brought to the workplace, the following requirements apply:

- Children are expressly prohibited from entering areas that present hazards to children.
- The employee who brought the child to the workplace is responsible for keeping the child within their sight and sound at all times.
- The employee may not ask any other employees to supervise the child.
- The employee who brought the child to the workplace is responsible for all aspects of the child's behavior.
- The employee is responsible for the child's safety and is financially responsible for any damages caused by the child.
- The presence of the child cannot disrupt the work environment or negatively impact the productivity of the employee who brought the child or other employees.

The employee's supervisor may direct the employee to remove the child from the workplace at any time if the supervisor determines that this policy has been violated or that the child's presence negatively impacts City interests.

## SECTION 22: ATTIRE AND GROOMING

### 22.1 General Information

In support of the City's interest in preserving a safe, orderly, and professional work environment, employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City adheres to a business casual dress in the workplace year-round, in accordance with this policy. Department directors are responsible for enforcing this policy and/or their own department uniform in their respective departments in order to maintain employee acceptable dress and appearance expectations.

Body art (such as tattoos and piercings) of the face, head, nose, mouth, and tongue are prohibited in the workplace.

### 22.2 Business Casual

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

- Traditional business attire;
- Dress slacks or trousers;
- Long or short sleeved shirts or blouses, polo shirts with collars;
- Dress blouses or shells with suits, slacks, dresses, or skirts (must be appropriate length)
- Blazers, sport coats, sweaters, vest, cardigans; and
- Cropped pants (ankle-length)
- Blue jeans (jeans must not be low-cut, have holes and/or rips)

### 22.3 Casual Friday

Employees are allowed to wear certain items on Fridays only (unless otherwise designated by the City Manager). Casual attire includes blue jeans and clean athletic shoes when no meetings are scheduled but may be worn on other occasions as duties necessitate, with the prior approval of the employee's supervisor. If employees have a meeting(s) scheduled on a Friday with a non-employee(s), they must wear traditional business casual attire for the meeting as required for their position with the City.

### 22.4 Unacceptable Attire

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

- Any article of clothing with logos or branding larger than four inches, other than the City of Willis logo and authorized logos;
- Flip-flops, flip-flop sandals, rubber shoes, beach sandals or sleepwear shoes;
- Low-rise pants or jeans that expose undergarments.
- Any item of clothing with wording or graphics

- Clothing that is torn, ragged, faded, and/or with hole in the fabric
- Halter, tank, tube, backless, low-cut, tight-fitting or midriff tops or dresses;
- Muscle shirts, see-through or mesh clothing;
- Short skirts (such as miniskirts);
- Leggings (unless worn under pants, skirt, or dress) or yoga pants;
- Shorts of any kind;
- Sweatpants, wind or jogging suits.

Unless an employee obtains a written exception from their supervisor and/or medical provider in accordance with applicable state and federal laws and regulations, if clothing fails to meet these standards as determined by their supervisor and Human Resources staff, the employee will be asked to comply with these standards and/or not to wear the inappropriate item to work again. This also applies if the employee is at a conference or meeting or City-sponsored event while on work time. If the problem persists the employee may be sent home to change clothes and may be subject to disciplinary action as deemed appropriate.

### **22.5 Addressing Workplace Attire and Hygiene Problems**

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, he or she will be required to go home, change into conforming attire, or properly groom, and return to work.

If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with staff member in private and should point out the specific areas to be corrected. If the problem persists, the supervisors should follow the normal corrective action process.

### **22.6 Certain Hairstyles Protected**

The City does not prohibit any hairstyles that are commonly or historically associated with race, including braids, locks, and twists, and does not discriminate on the basis of hair texture or "protective hairstyles."

## **SECTION 23: BUILDING & FACILITIES STANDARDS**

All City staff must take pride in the City's facilities and help to maintain the neat, clean, and professional appearance of the City's facilities.

### **23.1 Personal Items**

Personal items are allowed and encouraged in the workplace, in moderation, with the following exceptions:

- No personal items on public counters;
- No personal items in restrooms that are accessible to the public; and
- In accordance with the City's meal breaks policy, employees with workstations/offices that are visible to the public are prohibited from eating meals at their desk.

### **23.2 Break Areas**

- Employees are responsible for cleaning up after themselves and keeping all break areas clean.
- Dirty dishes are not to be left in *any sinks at any time*.
- Clean dishes must be put away as soon as dry.
- Refrigerators should be kept clean.

### **23.3 Identification Badges**

An identification badge with the employee's picture is issued to all employees. Some badges will provide access to locked doors. If employees lose a badge, the employee is required to notify Human Resources immediately so that the lost badge can be deactivated and replaced. All City issued badges remain the property of the City and must be returned to the department or Human Resources upon separation of employment. Employees may be asked to surrender any City badge under certain circumstances.

### **23.4 Smoking and Tobacco Use**

The City considers smoking and all other forms of tobacco use to be detrimental to both the employee's and general public's health. No smoking, e-cigarette, or any other form of tobacco or nicotine inhaler use will be allowed at any time in any office, lunchroom, restroom, or City owned vehicle. Employees who work outside of City facilities may smoke provided it does not interfere with their performance or work schedule. Work should not stop because an employee is smoking. The employee may take a break as provided in the policies dealing with that subject.

## **SECTION 24: CITY VEHICLES, EQUIPMENT, & PROPERTY**

City owned or leased vehicles may only be driven by authorized City employees. City of Willis vehicles, equipment and facilities will be used for official purposes only. Personal and social uses of any nature are prohibited unless approved in writing in advance by the City Manager. Each employee will be held responsible for the proper use, care and operation of a vehicle or piece of equipment assigned to him/her.

Motor vehicle crashes involving City vehicles present serious risk to employees and the public. Crashes may also cause considerable financial loss due to injury, loss of manpower, vehicle damage, and possible tort liability. Personal injuries result in the loss of time and pain and suffering of our employees. It is the City's responsibility to minimize these incidents through training, policy development, and review of incidents or compliance with training a policy. The City will utilize a review process for evaluating crashes and injuries in order to determine cause, and to institute corrective and preventive actions where needed. The reviews concerning these crashes and injuries shall be conducted according to policy and procedures established herein.

### **24.1 Take Home Vehicles**

An employee may drive a City vehicle home only under the following conditions:

- Employee responds to emergency calls from home; is on 24-hour call;
- Employee conducts City business on a frequent basis before and after normal working hours (supervisors and directors); or
- Permission is granted by the department director
- The City Manager has the authority to grant exceptions to this policy.

### **24.2 Safety Practices**

Good safety practices and habits are the best protection against on-the-job injuries and accidents. It is each employee's responsibility to exercise precautionary measures and good judgement to avoid personal injury or injury to others while on duty. Employees will report any accidents or unsafe conditions or practices to the appropriate supervisor or director or to Human Resources or the City Manager immediately so the corrective action may be taken.

### **24.3 Driving City Vehicles**

All employees driving City-owned vehicles are required by law to have a valid Texas Operator's license. In addition, the City will require all persons operating City vehicles and those employees driving their own vehicles on City business to maintain a safe driving record. A safe driving record will be defined as no more than three moving violations in a 24-month period; no conviction of driving while under the influence of drugs (controlled substances) or alcohol; and no felony conviction of failure to stop and render aid, failure to leave identification at the scene of an accident, involuntary manslaughter or criminally negligent homicide involving a motor vehicle. Employee driving records will be checked annually at the City's discretion to ensure validity and to verify that no persons with unsafe driving records are operating City vehicles or driving on city business. Action to be taken in each case will be recommended by the department director to the City Manager for final approval. Failure to report license suspensions or failure to maintain the required driver's license or failure to meet minimum driving record criteria will be sufficient

grounds for removal from driving privileges and may subject the employee to disciplinary action up to and including termination.

Employees who fail to meet the safe driving requirements may be held to one or more of the following:

- Required to attend a defensive driving class on the employee's own time and at the employee's own expense
- Assigned non-driving responsibilities within the employee's current department, if available
- Transferred to another department and assigned non-driving responsibilities, if available
- Assessed another type of remedial action as determined by the Safety Committee to be appropriate in that specific case
- Dismissed from employment, if none of the above alternatives can be achieved within a reasonable period of time. A reasonable period will be defined as generally not to exceed 30 calendar days from the date an employee is notified of their failure to meet the safe driving requirements; and/or
- Dismissed from employment if, due to the circumstances surrounding the event, the department director does not believe remedial action is appropriate and good cause exists for termination of the employee.

#### **24.4 Employees Required to have a Commercial Driver's License**

Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate large vehicles, or drivers of vehicles used in the transportation of hazardous materials. Random testing is performed quarterly. Although random drug testing applies to CDL drivers at the City, any employee is subject to drug and alcohol testing if subject to reasonable suspicion. Refer to the City's Substance Abuse section (Section 26) for more information.

#### **24.5 Care and Maintenance of City Property**

Employees assigned a City-owned vehicle or City-owned equipment of any kind are responsible for proper care and maintenance. It is also the employee's responsibility to follow established safety rules and regulations and to exercise sound judgement in the care, maintenance and operation of vehicles or other equipment. All City-owned equipment and property of any kind must be returned and surrendered and remain at the City of Willis upon termination of employment.

#### **24.6 Traffic Citations**

If an employee receives a traffic citation for a violation committed while operating a City-owned vehicle or while driving their personal vehicle on City business, the employee is required to advise their immediate supervisor immediately, and will be expected to pay any resulting fine at the employee's own expense. Repeated traffic violations or misuse of City vehicles or equipment may result in disciplinary action up to, and including, termination.

#### **24.7 Injury and Accidents on the Job**

Employees are required to report any on-the-job injury or accident to their supervisor or director immediately, even if the injury appears to be minor and does not require the attention of a physician

or hospital. The supervisor or director will complete the required accident report and forward it to Human Resources for processing with the City's Workers' Compensation carrier. Failure to report accidents vehicle damage or injuries may be cause for disciplinary action and may result in disciplinary action up to, and including termination, and/or loss of benefits.

### **24.8 Incident Reporting**

All accidents of any nature require a written accident report to be filed with a supervisor or department director.

### **24.9 Reporting to Human Resources**

- Employee Injury Non-Vehicular Accidents: Report the accident to Human Resources immediately and not more than 24 hours after the accident for non-vehicular accidents.
- Employee Involved Vehicular Accidents: Contact Human Resources immediately. Accidents involving City vehicles or equipment require an immediate drug and alcohol test at one of the City's approved testing sites, pursuant to the City's drug testing policy.
- A supervisor or director must drive the employee to the testing facility. If the employee passes the test, the employee should return to regular duty. If the employee receives a non-negative test result, the employee should be relieved of duty and placed on administrative leave until further notice to allow the City time to investigate the situation.

### **24.10 Accidents in City-Owned Vehicles or Mobile Equipment**

If an employee is involved in an accident while driving a City vehicle, the employee will be required to follow the specific accident-reporting procedure outlined in Section 24: Safety and Accidents. In general, for all departments, the employee is required:

1. If an employee injured, provide the level of aid available on-site if you are qualified to perform first aid. If the injury requires emergency medical treatment, call 911 for immediate assistance.
2. For all vehicle accidents, call the police department immediately, either using 911 or the non-emergency line. Do not move the vehicle in the event of an injury accident until directed by a police officer or a member of your department's management.
3. *Do not* discuss the accident with anyone except the investigating officer or your supervisor.
4. If possible, take photos of all vehicles and equipment involved in the accident.
5. Report to the City's drug and alcohol testing sites immediately. A supervisor or director must provide transport unless otherwise directed by City Manager. Exceptions can only be made by City Manager.

Failure to report any accident or vehicle damage immediately may result in disciplinary action up to and including, termination.

### **24.11 Accidents in Personal Vehicles while on City Business**

If a City employee is involved in an automobile accident while driving a personal vehicle for official City business, any bodily injury(s) sustained may be covered by the City's workers' compensation insurance policy. All decisions about approval of claims are at the sole discretion of the Texas Municipal League Intergovernmental Risk Pool. Injuries might also be covered by the individual's personal injury protection policy or any supplemental policy that may be in place. For any vehicle damages sustained with the employee is at fault, repairs may be covered by the

employee's own automobile insurance, including any underinsured or uninsured coverage an employee might have. If the accident is the fault of the other driver, the other driver's insurance should cover the cost to repair the vehicle. The employee is responsible for attaining the other driver's insurance information and following through with any claim.

## SECTION 25: SAFETY AND ACCIDENTS

The success of the City of Willis depends upon the efficient use of resources to produce high quality services for the citizens of the City's community. The City's most important resource is our employees! To protect this resource, the City is committed to providing a safe and healthy workplace for all employees. To accomplish this, both management and employees must diligently undertake efforts to promote safety. Safety is the responsibility of each and every employee in the organization. Employees must be aware of their actions, mental state, physical condition and attitude directly affect the safety of themselves and their fellow employees. Any employee who employs unsafe work practices, or places fellow workers in potential danger, may be subject to disciplinary action, up to and including termination.

### 25.1 Safety Requirements

To ensure a safe working environment, all employees are required to:

- Know their job, follow instructions, ask questions and think before they act.
- Use their protective equipment (eye protection, hard hats, footwear, safety vest, gloves, etc.) as their job requires. If employees are missing protective equipment, have damaged equipment, or are otherwise safety compromised, it is the employee's responsibility to report this to their supervisor and/or department head immediately.
- Work according to good safety practices as posted, instructed, and/or discussed.
- Refrain from any unsafe act that might endanger themselves and/or their fellow workers.
- Use all safety devices provided for their protection.
- Report any unsafe situation or act to their supervisor and/or department head immediately.
- Assume responsibility for thoughtless and/or deliberate acts that may cause injury to themselves or their fellow workers.
- Never operate equipment that they are unfamiliar with or not trained to use. Do not use equipment that is defective or in need of repair. Immediately report the issue to the employee's supervisor.
- Report all accidents/incidents to their supervisor.
- Abide by all driving laws when occupying and/or operating a City vehicle, including not reading, writing, or sending messages on a cell phone or other portable wireless device while driving a City-owned vehicle.

### 25.2 Safety Training

- The City will provide on-going training to all employees on accident and injury prevention. The training may consist of, but is not limited to, roll call briefings, assigned reading, and/or training classes. The Annual Analysis of Accidents and Injuries described in Section 7(c) of this order shall be reviewed to identify the training needs of each department.
- All sworn officers whose job assignment requires emergency response shall complete the TML Emergency Vehicle Operator's Course at least every three years.
- All other employees of the City who drive City vehicles will complete a defensive driving course within one year of being hired, and every two years thereafter. The defensive driving course will be made available free for all other employees who request it.

### 25.3 Reporting and investigating Motor Vehicle Crashes and Injuries

- Unless incapacitated, employees are responsible for immediately notifying Communications (police) or their supervisor of any motor vehicle crashes, and any personal injury sustained while on duty, regardless of severity. Communications shall notify the on-duty patrol supervisor. In case of serious injury, an employee's reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may preclude or delay payment of any benefits to the employee and may result in disciplinary action.
- In the Police Department, with the exception of very minor crashes involving a member backing into a fixed object like a tree or guardrail, which will be documented by another officer or a supervisor, supervisors shall be responsible for ensuring that crash investigations are conducted by peace officers from an outside agency, preferably the Texas Department of Public Safety. The supervisor will also conduct an administrative investigation and complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury if the employee is incapacitated.
- For all other City departments, the Police Department will be utilized to conduct the crash investigation unless the crash involves a fatality, and then the Police Department will utilize investigators from an outside agency, preferably the Texas Department of Public Safety.
- Work-related personal injuries other than those sustained in a motor vehicle crash will be investigated by the Department Head or his or her designee.
- Where feasible, the supervisor and the involved employee(s) shall file reports on approved forms within 24 hours of a crash, or occurrence of a work-related injury. Those reports will be forwarded by the Department Head or his or her designee to the Human Resources Director for transmittal to the City's insurance providers.
- Upon completion of a crash or injury investigation, the supervisor shall prepare a memorandum to the Department Head that shall include the following information:
  - Details of the accident or injury and contributory factors to the crash or injury;
  - Statements of witnesses;
  - Name and insurance information of involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage;
  - A statement as to whether the supervisor believed the member's injury or crash was "preventable" or "non-preventable"—as defined by this policy—with documentation supporting those conclusions; and
  - Any recommendations that would help prevent similar crashes or injuries in the future.
  - The Department Head will review the supervisory investigation and the report from the investigator from the outside agency, if applicable, and make a determination of whether the accident or injury was preventable or non-preventable.
    - The Department Head may take the actions he or she deems appropriate for the circumstances, including but not limited to:
      - ❖ requiring remedial or refresher training for that member, or for the entire department;
      - ❖ requiring modifications or evaluation of equipment; and
      - ❖ requiring modifications or review of policy, procedures, training, or tactics.
    - The Department Head may order an internal administrative investigation if policy or procedure were violated.
    - Employees who have repeated preventable injuries may face

disciplinary action, up to and including termination, for inability to perform basic job functions in a safe manner.

- Prior to 31 January annually, each Department Head shall cause an analysis to be conducted of all accidents and injuries in the previous year by cause. He or she will make any recommendations for training, equipment, or policy changes needed to reduce employee injuries, and motor vehicle accidents resulting in property damage and/or personal injuries. The report with its recommendations will be forwarded to the City Manager for review and any action necessary.

## **SECTION 26: SUBSTANCE ABUSE**

It is the policy of the City of Willis to maintain a work environment free from the use, possession, sale and/or effect of controlled substances and alcoholic beverages. The City of Willis recognizes that drugs (prescription, over-the-counter and illicit) and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making, and reduced productivity. Therefore, the City of Willis expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours and when assigned to an on-call shift.

### **26.1 Definition**

"Controlled substance" has the meaning assigned by 41 U.S.C. and 802 and includes all substances listed in Schedules I through V as may be revised from time to time under the Code of Federal Regulations, being 21 C.F.R. 1308 and as those terms are defined in Article 4476-15 and 102(4) Vernon's Annotated Civil Statutes.

### **26.2 Pre-Employment Substance Screening**

All candidates for employment with the City of Willis must submit to and pass a drug screen following an offer of employment but prior to becoming an active employee. Such post-offer alcohol and drug testing may involve the applicant providing a urine specimen, blood sample or participating in other medical tests as deemed appropriate by the City and/or its designated physician/medical practitioner. The testing will be done by the City's designated physician/medical practitioner, unless an employee has made a different arrangement in writing with the Human Resources Director/Risk Administrator. The applicant will be required to sign a consent release form acknowledging their understanding of the test, authorizing the diagnostic procedure and releasing the test results to the City. Any applicant who refuses to undergo the drug screening will not be considered for employment, since drug screening is an integral part of the procedures used to determine suitability for employment. Positive test specimens will automatically be retested using a different testing method on the same sample. If the second test confirms the positive test result, the applicant will be disqualified from consideration for City employment for twelve months. After the twelve-month period, the applicant may reapply, but will again be required to submit to the normal selection process, including testing for controlled substances and alcoholic beverages.

### **26.3 Substance Abuse Policy for Current Employees**

Employees under the influence at work or engaging in the sale or unlawful manufacture, possession, distribution, and/or use of controlled substances, use or misuse of prescription drugs or alcoholic beverages while on duty or during lunch and/or other breaks or at any time while employees are on a City work site or on duty, is absolutely prohibited and constitutes cause for discipline, up to and including termination, in accordance with these personnel regulations. The appropriate law enforcement agency will be notified of any such sale, distribution, and/or use of illegal substance by employees. Any employee who is arrested for a drug- or alcohol-related crime under an applicable state or federal statute for violations occurring on or off duty must report their arrest to their supervisor within three City business days of the arrest. Failure to report the arrest may result in disciplinary action up to, and including, termination of employment.

All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties. The director may require a doctor's statement if the employee indicates there is a need to use the prescription drug for an extended period.

The City of Willis retains the right to perform random, post-accident, and reasonable suspicion drug tests when applicable and at a testing facility of its choosing. Failure to comply with instructions to report and submit to a random drug test will be considered as a positive test result and will constitute insubordination and grounds for disciplinary action up to, and including, termination. All employees holding commercial driver's licenses for the City of Willis are subject to quarterly random drug and alcohol testing by the City of Willis.

#### **26.4 Alcohol and Substance Testing Procedural Requirements**

The City may conduct unannounced searches or inspections of City-owned property where there is reasonable suspicion of the presence of alcohol or controlled substances. These may include, but are not limited to, lockers, offices, tool chests, bags, purses, work sites, lunch boxes, repositories, and desks located on City property, work sites and City owned vehicles.

When the department director and the Human Resources or City Manager have a reasonable suspicion that an employee, at work or when reporting to work, is under the influence of alcohol or a controlled substance or is abusing alcohol or a controlled substance and appears to be impaired or unfit for duty, the employee will be required to submit to a drug-alcohol test. Impairment is defined as being unable to perform their duties safely and competently due to use of alcohol or controlled substances. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the essential functions of the job is impaired, compromised, or reduced. Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to: odor of alcoholic beverage, erratic behavior, violent mood swings, excessive absenteeism including tardiness, a medical emergency that can be attributed to drug use, physical on-the-job evidence of drug use, documented deterioration in the employee's job performance, self-admission, results of a field sobriety test, or an accident which is caused by the apparent action or inaction of the employee.

The immediate supervisor or department director or Human Resources will submit information in writing to the City Manager that describes the incident, documenting the circumstances leading to the conclusion that a drug/alcohol test is necessary. Such documentation will include the date, time, place, description of the incident and statements of witnesses. Any other evidence such as drugs, alcohol, drugs and/or alcohol paraphernalia and containers will be collected. Once it is determined a drug/alcohol test is necessary, the director will contact Human Resources and the City Manager to determine if drug testing is appropriate and to arrange for testing. If drug testing is appropriate, the immediate supervisor or director will transport the employee to the approved testing facility. The type of drug/alcohol test may be based on a urine, blood or other type of sample as appropriate, and which is medically accepted and reliable. After testing, the employee will be transported home by their immediate supervisor, a relative or their emergency contact of record and told not to report to work until the results of the test are known. The director will document the events outlined above for the employee's confidential medical file, including details of the steps taken and the employee's response and the observations of the employee during the process.

#### **26.5 CBD in the Workplace**

It is important for all employees to recognize that the use of cannabidiol (CBD) can result in a positive drug test for marijuana usage. CBD oil is a product made from the cannabis plant, which contains cannabidiol (CBD). If the CBD oil is derived from hemp, meaning the cannabis plant from which the oil was made had no more than 0.3% THC, then the CBD oil is legal. If the CBD oil is derived from marijuana, meaning the cannabis plant from which the oil was made had more

than 0.3% THC, then the CBD oil is illegal. Currently, there is no regulatory body that oversees or enforces the sale of products purported to be hemp-derived as opposed to marijuana-derived. Importantly, even CBD oil derived from hemp may have trace amounts of THC.

The City of Willis maintains a zero-tolerance drug test policy. As part of pre-employment, random, post-accident or any other cause for testing, any employee testing positive for THC is subject to disciplinary action up to and including termination.

## **SECTION 27: NON-SOLICITATION**

While an employee is on working time, it is important that they be able to perform their duties without inappropriate distractions. In order for this working environment to exist, employees are prohibited from soliciting another employee while on working time. Working time includes all times when an employee is engaged in work tasks but does not include an employee's own time such as lunch breaks, scheduled breaks, and time before/after work.

### **Examples of solicitations:**

- Employees may not solicit goods or services at counters or any location where customers are present.
- Employees may not distribute advertising materials, handbills, printed or written literature of any kind in work locations.
- Employees may not engage in personal commerce of any kind while on the job or during working hours.
- The City does not promote, encourage or endorse private business relationships or arrangements between City of Willis employees.

### **Bulletin Boards**

Any bulletin boards located inside/outside City facilities are strictly for the use of the assigned department. This includes taping flyers and posters to windows and other City property. Outside agencies, organizations and non-City entities are prohibited from posting any kind of literature unless otherwise authorized by the City Manager.

## SECTION 28: SECONDARY EMPLOYMENT

An employee must seek approval from their Department Director and/or the City Manager before accepting outside employment. Employees are not permitted to engage in outside employment where such employment conflicts or interferes with the employee's assigned work hours or performance of duties with the City of Willis.

In certain departments, the approval for outside employment above must be submitted in writing on an annual basis and/or when a new outside job is obtained by the employee. The approval will be kept on file in the employee's personnel file in Human Resources.

The City of Willis applies this policy consistently to all employees, and in compliance with all applicable federal and state laws and regulations. The following rules for outside employment apply to all employees notifying their Director or Manager of their intent to engage in outside employment:

- Work-related activities and conduct away from the City must not compete with, conflict with or compromise the City's interest or adversely affect an employee's job performance and the ability to fulfill all responsibilities to the City of Willis that are normally performed by the City. This also extends to the unauthorized use of any City tools or equipment and the unauthorized use or disclosure of any City proprietary or otherwise confidential information. In addition, employees may not solicit or conduct any outside business during work time for the City.
- City employees must carefully consider the demands that additional work will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to be included in the on-call schedule, or refusal to work overtime or different hours.
- If outside work activity causes or contributes to job-related performance problems at the City, the employee may be asked to discontinue the outside employment, and/or the employee may be subject to discipline up to and including termination.
- In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, City department heads, and the Human Resources department will consider whether the proposed employment:
  - May reduce the employee's efficiency in working for the City;
  - Involves working for an organization that does a significant amount of business with the City, such as major contractors, suppliers, and customers; and/or
  - May adversely affect the City's image.
- Employees who have accepted outside employment may not use City paid sick leave or donated sick leave to perform work for the outside job.
- Fraudulent use of City sick leave and/or an employee's refusal to discontinue outside employment after being requested to do so by their department head or Human Resources department will result in disciplinary action up to and including termination of employment.

## **SECTION 29: USE OF CITY NAME OR LOGO**

The City's name, letterhead (whether pre-printed or electronically created or other materials, such as City logos, are not to be used for non-City business or purposes. The City does not authorize the use of City letterhead, logos, or other materials for personal correspondence or in connection with non-City business such as personal fundraising for charitable causes or other types of personal business.

## SECTION 30: EMPLOYEE TECHNOLOGY

### 30.1 Statement of Policy

The City of Willis promotes the use of Technology that enable employees, volunteers, and contractors (Users) to perform City missions, and encourages Users to develop technical skills and knowledge. It is expected that Users will utilize the Technology to improve their job knowledge, to access scientific, technical, and other information on topics which have relevance to the City, or to communicate with their peers in other government agencies, academia, and industry on matters of relevance to their work for the City. In certain positions, the use of Technology is an essential function of the position.

The City of Willis will provide efficient communication and electronic tools to its employees. These tools include, but are not limited to, City owned, leased, subscribed to, or otherwise used electronic mail (Email), Internet service, hardware, and software (collectively referred to as “Technology”). This policy is intended to guide City employees, volunteers, and contractors (collectively also referred to as “Users”) in the performance of their duties and serves as notice that all messages, files, documents, or reports (collectively referred to as “City Data”) including Data that is created, printed, sent, retrieved, stored, or printed is subject to audit and review. There is no expectation of personal privacy (other than as defined by any applicable law) in the use of City Technology.

This policy serves to delineate acceptable uses of Technology by Users while conducting work for the City or while utilizing City Technology, that are consistent with the City’s policies, all applicable laws, and the individual User’s job responsibilities. Technology used for law enforcement investigations are exempt from this policy. For policies and procedures relating to law enforcement, please see the applicable PD policies.

**Employees are prohibited against disclosure of confidential information that could breach the security of any system and software used by the City or any City project, facility or program in any way.**

### 30.2 General Guidelines for all Technology Use

The following general guidelines apply to the use of all City Technology by City employees:

*Consent:* All City employees who are provided with access to City Technology and City Data are required to abide by the City’s policies contained herein and in other relevant documents.

*Copyrighted Material:* Users may download copyrighted material, but its use must strictly comply with the agreement as posted by the author or current copyright law. The federal Copyright Act located at 17 U.S.C. 101 et seq. (1988) protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else’s ideas or writing and passing it on as one’s own).

*Email:* Internet email is considered City internet, Technology, network and computer systems activity; thus, it is subject to all policies regarding acceptable/unacceptable uses of the City internet, Technology, network and computer systems as well as the City’s email policy. Users should not consider Internet email to be private.

*Information Is Not Private:* The City owns the rights to all City Data including, but not limited to, work-related messages, files, documents, or reports on any computer, network, or other technology system used in the performance of City duties, and to all Data sent or received using any City Technology or using the City's access to any public or private computer network, to the extent that such rights are not superseded by any applicable laws relating to intellectual property, including cellular phones or employee-owned computers. The City does not own the rights to private data or transmissions on any employee-owned technology, such as cellular phones or personal computers even if they have been used in the performance of City duties.

As such, there is no expectation of privacy for employees (beyond that provided by law) in any information or activity conducted, sent, printed, performed, or viewed with City Technology or on City public/private network access. Accordingly, employees should assume that whatever they do, type, enter, print, send, receive, and view on City Technology is electronically stored and subject to inspection, monitoring, evaluation, and City use at any time.

Further, employees who use City Technology or network access to send or receive personal files or other data that would otherwise be subject to any kind of confidentiality or disclosure privilege thereby waive whatever right they may have to assert such confidentiality or privilege from disclosure.

*Monitoring and Disclosure:* The City reserves the right to access, retrieve, read, and disclose any City Data stored or processed through or on City Technology. Employees should be aware that even when a message is erased or a visit to a website is closed, it is still possible to recreate the message or locate the website. The City reserves the right to monitor the use of all City Technology to prevent abuse, enforce other policies, and access information. Access may occur in, but is not limited to, situations involving: (1) allegations of impropriety, (2) allegations of violation of City policy, (3) compliance with and/or allegations of violations of legal requirements, (4) allegations of suspected criminal activities, (5) allegations of breach of system security, or (6) to locate substantive information or monitor employees' performance and conduct. The contents of these systems may be disclosed by the City Management within or outside the City without the employees' permission. Furthermore, all City data, may be disclosed to law enforcement, or other third parties as deemed appropriate by the City, without prior consent of the sender or the receiver. The City has unlimited access to protect the security of its Technology and Data and/or the City's property rights.

### **30.3 Other City Policies**

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior.

*Property of the City of Willis:* The City's Technology is a business tool and shall be used in a professional manner for legitimate business purposes only, and at all times will remain the property of the City of Willis.

*Mobile Phones:* City issued mobile phones used by employees are considered the property of the City of Willis, or as 'City Technology.' City data stored on or accessed through such devices shall be considered the property of the City of Willis and subject to Open Records Request and those

applicable laws under the Texas Government. Personal mobile phones used by employees shall not be considered the property of the City of Willis, or as “City Technology”, however, City data stored on or accessed through such devices shall be consider the property of the City of Willis and subject to Open Records Request and those applicable laws under the Texas Government.

*Responsible Use:* Users are advised not to use Technology for any purpose that would reflect negatively on the City or its employees.

*Scope:* This policy applies to all physical technical resources that are owned or provided to employees by the City, and to all Data or information which originates from, or passes through, City servers or Data systems. This policy also applies to all activities using any City paid or provided accounts, subscriptions, or other technical services, such as Internet access and email, whether or not the activities are conducted from City premises; and all full or part-time employees of the City of Willis, volunteers, and contractors who are authorized by their departmental directors to use the City’s Information Services.

*Use with Respect for Others:* Access to the Internet via City resources and the use of City provided email is only for City purposes. To that end, Users shall not disrupt or interfere with the work of other network users, adversely affect the operation of the Internet, adversely affect the City’s own internal network, or misrepresent the interests of the City.

*User Account Information:* Access to the City internet, Technology, network and computer systems may require a username and password. Authorized Users are prohibited from giving their User account information to any other person and are expected to take any and all reasonable measures to protect their User account information at all times.

*Uses that are Unacceptable:* It is unacceptable for a User to access, use, submit, publish, display, download, save, or transmit on City internet, Technology, network and computer systems, any information which:

- Violates or infringes on the rights of any other person, including the right to privacy in violation of any City policies, or local, state, or federal laws or regulations;
- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material in violation of any City policies, or local, state, or federal laws or regulations;
- Violates City policies, or local, state, or federal laws or regulations prohibiting sexual harassment;
- Restricts or inhibits other Users from using the system, or the efficiency of the City internet, Technology, network and computer systems;
- Encourages the use of controlled substances or uses the City internet, Technology, network and computer systems system in violation of any City policies, or local, state, or federal laws or regulations; or
- Uses the City internet, Technology, network and computer systems for any other purpose in violation of any City policies, or local, state, or federal laws or regulations.

It is also unacceptable for a User to use the facilities and capabilities of the City internet, Technology, network and computer systems to:

- Conduct any non-approved business in violation of any City policies, or local, state, or federal laws or regulations;

- Solicit the performance of any activity in violation of any City policies, or local, state, or federal laws or regulations;
- Transmit material, information or software in violation of any City policies, or local, state, or federal laws or regulations;
- Conduct any political activity in violation of any City policies, or local, state, or federal laws or regulations;
- Conduct any non-City-related fundraising or public relations activities in violation of any City policies, or local, state, or federal laws or regulations;
- Engage in any activity for personal gain or personal business transactions in violation of any City policies, or local, state, or federal laws or regulations; or
- Make any unauthorized purchases in violation of any City policies, or local, state, or federal laws or regulations.

### **30.4 Use of the Internet, City Technology, Networks, and Computer Systems**

Subject to the general guidelines outlined above, the City provides access to the City’s internet, Technology, networks and computer systems to Users for their use in performing their duties for the City. All Users are responsible for using these resources in an effective, ethical, and lawful manner. It is the City’s policy that Internet resources, like other City assets, be used for the benefit of the City. All City internet, Technology, network and computer systems use should be congruent with the City’s overall governing policies. The City reserves the right to monitor and/or log all network activity with or without notice, including all website communications; therefore, Users have no expectations of privacy in the use of these resources. Use of these systems in violation of this or other City policies is prohibited and may lead to disciplinary action up to, and including, termination. When any such violation is discovered, either through the City’s monitoring, or through a written or verbal report, the department head and Human Resources Director must be notified immediately. The department head and Human Resources Director will investigate the violation.

Departmental directors are responsible for requesting the appropriate level of City internet, Technology, network and computer systems access that Users need to perform their duties. A director may modify or revoke a User’s Internet access privileges at any time.

### **30.5 Use of the City of Willis’s Messaging Systems**

The City provides internal messaging systems or access to the City’s external messaging systems (email, SMS text, Instant Messaging/Chat, websites, blogging, tweeting, etc.) (collectively “Messaging Systems”) to Users for their use in performing their duties. All City Users of the Messaging Systems are responsible for using messaging in an effective, ethical, and professional, and lawful manner. It is the City policy that messaging systems, like other City assets, be used for the benefit of the City. All messaging should be congruent with the City’s overall government policies. The City reserves the right to monitor and/or log all activity on the Messaging Systems with or without notice, including all website communications; therefore, Users have no expectations of privacy in the use of these resources. Use of the Messaging Systems in violation of this or other City policies is prohibited and may lead to disciplinary action up to, and including, termination of employment.

City-owned Messaging Systems are for official City business, and it shall be unacceptable to use the systems for unrelated purposes, including but not limited to, the *Uses that are Unacceptable* identified herein.

Do not carbon copy (cc) or blind carbon copy (bcc) individuals who have no direct involvement or “need-to-know.” Likewise, messages to all Users should only be used on very rare occasions when every person on the system has a direct need to know. Do not forward messages to third parties unless necessary.

When sending a message requiring action, indicate which recipients should take the action.

Employees should not say anything in a message that could prove embarrassing or compromising to the employee or others. Each user is responsible for the content of all text, audio, or images they transmit.

Do not send potentially contentious exchanges through messages.

Confidential and sensitive information, such as attorney-client privileged information or health or medical information should not be communicated via un-encrypted messaging.

Communications that would be inappropriate under any other City policies are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments and insubordinate statements.

Employees should use common sense in determining when to use messaging, in what is said, and to whom.

Employees’ City emails must contain their contact information including their name and position, phone number(s), City website link, and the City-approved email disclaimer. Employees’ emails should not include any other quotes or sayings, wallpaper, colors, or anything else. They may include links to various official City of Willis social media sites or additional contact information such as their business cell phone number. Exceptions to this policy may apply for law enforcement investigations, please see applicable PD SOP’s regarding investigations.

Email Disclaimer: The following disclaimer statement must be included on all email communications sent to third parties.

- **WARNING:** Computer viruses can be transmitted via email. The recipient should check this email and any attachments for viruses. The City is not liable for damages caused by the transmission of a virus attached to this email or any errors or omissions caused by the transmission of this email when such errors or omissions are outside of the control of the sender. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the City of Willis. Among other prohibitions, employees of the City of Willis are prohibited from making defamatory statements; participating in any form of copyright, patent, or trademark infringement; and violating or allowing the violation of these prohibitions, such communications shall be deemed contrary to the City’s policies and outside the scope of the employment of that employee. The City shall not be liable for such communication, and the employees responsible will be personally liable for any damages or other liabilities.

### **30.6 General Computer Usage**

All use of City internet, Technology, network and computer systems must be in compliance with this Handbook, City policy and other applicable procedures and rules. Any employees using a City computer does so knowing the following:

- Users shall not share passwords for any computer or system with any unauthorized person, nor obtain any other password by any unauthorized means. Authorized persons shall include supervisors, and management.
- Upon separation from employment, or loss of authorization to use City internet, Technology, network and computer systems, employees shall not attempt to use or access any designated City internet, Technology, network and computer systems.
- Files and records created and/or stored on City internet, Technology, network and computer systems may be subject to State of Texas open records laws. Therefore, files may be accessed to the fullest extent allowed by law.
- City internet, Technology, network and computer systems and related peripherals shall not be used for transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), political material, or any other unauthorized use without prior written permission.
- No City internet, Technology, network and computer systems may contain, store, or operate any software not authorized by City policy or the City Manager or their designee. Unauthorized software, electronically stored materials, data, and files are subject without notification to immediate removal by the City.
- Management has the right to access each City internet, Technology, network and computer systems and its associated files consistent with City policies, all applicable laws, and individual user's job responsibilities, regardless of the physical location of the computer.
- Only City files or Data stored upon an employee-owned computer, cell phone or related equipment is subject to this policy.
- Upon separation from City employment, all City files and Data shall be removed from employee-owned equipment. The City specifically retains the right to inspect the equipment to verify the removal.
- No personal files may be stored on City internet, Technology, network and computer systems. Employees must store personal information, both emails and data files, on personally owned storage media (e.g., CD, DVD, or any external memory device).

### **30.7 Sanitation and Disposal of Storage Media**

\*Records retention laws affect how long data must be maintained. These requirements must be considered to protect rights under the Public Information Act. Computers may need to be backed up before disposal. \*

The media containing information (hard drives both portable and fixed, USB/flash drives, CD/DVDs, internal RAM/ROM memory cards, discs of all kinds) should be handled carefully when no longer needed. Simply deleting files through the user interface is rarely effective.

- In old desktops and laptops, hard drives should be erased by completely reformatting them where possible, or else erased with a physical erasure device or hard driver eraser software.
- Before being sent on, hard drives should be removed and destroyed where possible from computers as well as those in copiers, printers, and scanners, which can retain data they process for years.
- Follow manufacturer instructions for reformatting the memory of devices such as phones, tablets, and other peripherals.
- Phones and other cellular-enabled devices should have SIM cards removed and destroyed in addition to wiping memory.
- Paper records in the workplace should be handled safely and disposed of in protected receptacles.

- Reputable, professional services should be contracted for record destruction if not done in-house.
- Writable portable media should be erased following manufacturer instructions.
- Non-writable media should be physically destroyed.

## SECTION 31: CITY CELLPHONES

### 31.1 Rule for City cell phone use

No employee will receive a cell phone allowance or reimbursement for devices; however, employees that use their own devices through their scope of work agree to the following:

- Employees whose personal devices have camera, video or recording capability are restricted from using those functions anywhere in the building or on City property at any time unless authorized in advance by management.
- While at work, employees are expected to exercise the same discretion in using their personal devices as is expected for the use of City devices. The City's policies pertaining to harassment, discrimination, retaliation, trade secrets, confidential information and ethics apply to employee use of personal devices for work-related activities.
- Excessive personal calls, e-mails or text messaging during the workday, regardless of the device used, can interfere with employee productivity and be distracting to others. Employees must handle personal matters on nonwork time and ensure that friends and family members are aware of the policy. Exceptions may be made for emergency situations and as approved in advance by management. Managers reserve the right to request employees' cell phone bills and use reports for calls and messaging made during working hours to determine if use is excessive.
- Nonexempt employees may not use their personal devices for work purposes outside of their normal work schedule without authorization in advance from management. This includes reviewing, sending and responding to e-mails or text messages, responding to phone calls, or making phone calls.
- Employees may not use their personal devices for work purposes during periods of unpaid leave without authorization from management. The City reserves the right to deactivate the City's application and access on the employee's personal device during periods of unpaid leave.
- An employee may not store information from or related to former employment on the City's application.
- Family and friends should not use personal devices that are used for City purposes.
- The City has the right, at any time, to monitor and preserve any communications that use the City's networks or shared software in any way, including data, voice mail, telephone logs, Internet use and network traffic, to determine proper use.
- Management reserves the right to review or retain personal and City-related data on personal devices or to release the data to government agencies or third parties during an investigation or litigation. Management may review the activity and analyze use patterns and may choose to publicize these data to ensure that the City's resources in these areas are being used according to this policy. Furthermore, no employee may knowingly disable any network software or system identified as a monitoring tool.

### 31.2 Personal Contract

Employees should be aware that under a personal contract with a mobile telephone provider, the employees will be responsible for the mobile telephone payment. The City of Willis assumes no risk, financial liability or guarantee for the procurement of a personal contract made by an employee for a mobile telephone.

### 31.3 Safety

Employees are expected to follow applicable local, state and federal laws and regulations regarding the use of electronic devices at all times.

Employees in which the essential functions of the position include regular or occasional driving are expected to refrain from using their personal devices while driving. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or texting. Special care should be taken in situations involving traffic, inclement weather or unfamiliar areas. Employees who are charged with traffic violations resulting from the use of their personal devices while driving will be solely responsible for all liabilities that result from such actions.

Employees who work in hazardous areas must refrain from using personal devices while at work in those areas, as such use can potentially be a major safety hazard.

### **31.4 Lost, stolen, hacked or damaged equipment**

Employees are expected to protect personal devices used for work-related purposes from loss, damage or theft.

In an effort to secure sensitive City data, employees (maybe) required to have “remote-wipe” software installed on their personal devices by the IT department prior to using the devices for work purposes. This software allows the City-related data to be erased remotely in the event the device is lost or stolen. Wiping City data may affect other applications and data.

The City will not be responsible for loss or damage of personal applications or data resulting from the use of City applications or for the wiping of City information.

Employees must immediately notify management in the event their personal device is lost, stolen or damaged. The employee will be responsible for the cost of replacement.

Employees may receive disciplinary action up to and including termination of employment for misuse of City data on their personal devices.

### **31.5 Termination of employment**

Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the personal device for inspection. All City data on personal devices will be removed by IT and/or the department upon termination of employment.

### **31.6 Violations of policy**

Employees who have not received written authorization from the City will not be permitted to use personal devices for work purposes. Failure to follow the City’s policies and procedures may result in disciplinary action, up to and including termination of employment.

### **31.7 City Assigned Mobile Telephones**

Department directors may choose to assign mobile telephones to vehicles or workstations. Vehicle/workstation assigned telephones are purchased and paid for by the City. Designated City employees use these telephones as directed to carry out their duties. Vehicle/workstation assigned telephones are to be used for City business only, no personal use is allowed.

### **31.7 Notification**

Employees using a City-issued or their own mobile device through scope of work must provide their current mobile telephone number to their department director, department administrative

assistant and to Human Resources. Mobile telephone numbers may be included on the internal employee phone list unless the employee specifically requests not to be published. Notification of any change in mobile telephone number must be provided within seven days.

## SECTION 32: SOCIAL MEDIA

### 32.1 Definitions

The term “social media” encompasses but is not limited to: tweets or the use of “X” formerly known as Twitter, Facebook, LinkedIn, Instagram, internet blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of videos on YouTube and similar media. Violations of the Social Media Policy may lead to disciplinary action, up to and including termination.

### 32.2 Use or Personal Social Media While Off Work

Employees are free to express themselves as private citizens on their personal social media sites or web logs (blogs). However, employees are prohibited from using language or images that are obscene or sexually explicit, or that ridicule, malign, disparage, or otherwise expresses bias, or implies violence or physical harm against any person or group based on race, gender, religion, national origin or other protected characteristic. Employees are also prohibited from posting confidential information about City business or City staff, including personal phone numbers or home addresses.

Any person identified as an employee of the City of Willis on a publicly accessible site is also expected to maintain an online image that would encourage the public to have confidence in that employee. To this end, employees shall not post subject matter containing images or statements suggesting that the employee has engaged in theft, public intoxication, illegal drug activity, or other criminal behavior. Additionally, employees are prohibited from engaging in defamatory speech. Individuals who violate this policy may be subject to disciplinary action up to and including termination of employment.

### 32.3 Employee Use of Social Media While at Work

Any blogging or posting of information on City social media sites, internet, technology, network and computer systems must comply with the City’s guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the City social media sites, internet, and technology, network and computer systems is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City’s electronic social media sites.
- Only employees with authorization from the City Manager or department head are allowed to update or post on social media sites on behalf of the City. All of the employee’s time spent updating or posting on City social media sites, internet, technology, network and computer systems as part of the employee’s job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on City social media sites, internet, technology, network and computer systems is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through City social media sites, internet, technology, network and computer systems at any time. The City is subject to open records requests and any information posted on or from City social media sites, internet, Technology, network and computer systems may be subject to the right of discovery through the Texas Public Information Act.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state

law or federal laws and regulations and subject the user to criminal penalties. All requests for City documents must be processed through the Public Information Act.

- Employees must abide by all federal and state laws and regulations and policies of the City with regard to information sent through City social media sites, internet, technology, network and computer systems.
- Individual supervisors do not have the authority to make exceptions to these guidelines. Any deviations from this policy requires written approval by the City Manager or their designee.

## **32.4 Covered Applications and Prohibited Technology Policy**

### **1.0 Purpose**

On December 7, 2022, Governor Greg Abbott required all state agencies to ban the video-sharing application TikTok from all state-owned and state-issued devices and networks due to the Chinese Communist Party's ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety (DPS) and the Texas Department of Information Resources (DIR) to develop a plan providing state agencies guidance on managing personal devices used to conduct state business. Following the issuance of the Governor's directive, the 88th Texas Legislature passed Senate Bill 1893, which prohibits the use of covered applications on governmental entity devices.

In accordance with the Governor's directive and Senate Bill 1893, this policy provides a template for entities subject to the directive or bill to use in prohibiting the installation or use of covered applications or prohibited technologies on applicable devices.

### **1.1 Scope and Application**

Governmental entities, including local governments, must adopt a covered applications policy as described by Section 2.0.

### **2.0 Scope and Definitions**

Pursuant to Senate Bill 1893, governmental entities, as defined below, must establish a covered applications policy:

- A department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Education Code Section 61.003.
- The supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government.
- A political subdivision of this state, including a municipality, county, or special purpose district.

This policy applies to all full-time and part-time employees, contractors, paid and unpaid interns, and other users of government networks within the City of Willis. It is the responsibility of all City of Willis employees to comply with this policy.

A covered application is:

- The social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.
- A social media application or service specified by proclamation of the governor under Government Code Section 620.005.

### **2.1 Covered Applications on Government-Owned or Leased Devices**

Except where approved exceptions apply, the use or installation of covered applications is prohibited on all government-owned or -leased devices, including cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

The City of Willis will identify, track, and manage all government-owned or -leased devices including mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices to:

- a) Prohibit the installation of a covered application.
- b) Prohibit the use of a covered application.
- c) Remove a covered application from a government-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
- d) Remove an application from a government-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

The City of Willis will manage all government-owned or leased mobile devices by implementing the security measures listed below:

- a) Restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications.
- b) Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c) Maintain the ability to remotely uninstall unauthorized software from mobile devices.
- d) Other City of Willis-implemented security measures.

### **2.2 Ongoing and Emerging Technology Threats**

To provide protection against ongoing and emerging technological threats to the government’s sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas. The Governor may proclaim items on this list as covered applications that are subject to this policy.

If the Governor identifies an item on the DIR-posted list described by this section, then the City of Willis will remove and prohibit the covered application.

The City of Willis may also prohibit social media applications or services in addition to those specified by proclamation of the Governor.

### **2.3 Bring Your Own Device Policy**

If the City of Willis has a “Bring Your Own Device” (BYOD) program, then the City of Willis may consider prohibiting the installation or operation of covered applications on employee-owned devices that are used to conduct government business.

### **2.4 Covered Application Exceptions**

The City of Willis may permit exceptions authorizing the installation and use of a covered application on government-owned or -leased devices consistent with the authority provided by Government Code Chapter 620.

Government Code Section 620.004 only allows the City of Willis to install and use a covered application on an applicable device to the extent necessary for:

1. Providing law enforcement; or
2. Developing or implementing information security measures.

If the City of Willis authorizes an exception allowing for the installation and use of a covered application, the City of Willis must use measures to mitigate the risks posed to the state during the application’s use, including:

- Measures that the City of Willis deems appropriate for its own policy.

The City of Willis must document whichever measures it took to mitigate the risks posed to the state during the use of the covered application.

A Governmental Entity may include additional language within its policy as to which employees may install and use the covered application subject to its exception.

### SECTION 33: POLITICAL ACTIVITY

City employees are encouraged to exercise their legal right to vote. Limitations on the political activities of City employees are imposed by federal and state laws and regulations, the City Charter, and City policies and are, therefore, incorporated into this section by reference.

For purposes of this section, examples of an employee engaging political activity includes, but is not limited to when an employee:

- Makes a speech supporting or opposing a candidate for elective office;
- Publicly endorses a candidate;
- Distributes political literature relating to the campaign of a candidate;
- Wears a campaign button or apparel supporting or opposing a candidate;
- Circulates or signs a petition supporting or opposing a candidate;
- Solicits votes for a candidate; or
- Solicits campaign contributions for a candidate.

Except as permitted by law, City employees shall not engage in political activity relating to a campaign for an elective City office or other campaign for elective office while on City time, using City resources, or within such period of time during which they are expected to perform services for which they receive compensation from the City.

City employees shall not, directly or indirectly, induce or attempt to induce any City subordinate of the employee to:

- Participate in a campaign of a candidate (beyond encouraging another to vote);
- Participate in a political fundraising activity;
- Contribute money, labor, time or other thing of value to a candidate or an organization, party, committee or entity for political purposes;
- Engage in any other political activity relating to a particular candidate, party or issue that is not directly related to a legitimate function of city government; and
- Refrain from engaging in any lawful political activity.

City employees shall not use their official authority or influence to interfere with, or affect, the result of an election or nomination for public office. City employees shall not use City funds, supplies, vehicles, property or other public resources to support or oppose a particular candidate, party or issue.

A City employee shall not hold an appointive or elective office in which his service would constitute a direct conflict of interest with their City employment. Upon appointment or elected to such an office, a City employee must immediately resign or, if eligible, retire their position with the City.

Nothing herein shall infringe on the rights of a City employee to seek public office or to vote.

## **SECTION 34: TRAVEL AND TRAINING EXPENSES**

These policies are applicable to all City employees and officials of the City while conducting City business or attending approved training programs outside of the Willis City limits. Only that travel and/or training which has been approved in the annual City budget is authorized for approval. Travel, which has not been authorized in the annual budget must be specifically approved by the City Manager.

All travel expenses are subject to the requirements of documentation and reasonableness, as set forth in this policy, provided that the travel was properly authorized and that funds are available in the City budget. The City of Willis, at its discretion, may prepay such expenses as registration fees, hotel costs, airfare, etc. directly to the entity involved.

Expenses which are not permitted under the terms of grants, contracts, and/or agreements with other agencies will not be charged as cost to those grants, contracts, and/or agreement.

### **34.1 Application**

The Travel and Subsistence Policy shall apply to all employees and elected and appointed officials of the City of Willis. Travel and training cost shall only be paid for City employees and officers; any cost resulting from the travel and/or training of family members or other persons not employed by the City of Willis shall be borne by the employee or officer.

An employee, elected and appointed officials whose family member(s) will be attending training/conference with the employee or officer, shall be required to pay the City prior to any expenses being incurred by the City to the extent expenses are known in advance, or reimburse the City for any expenses incurred by the City.

### **34.2 Request Procedure**

At least twenty (20) working days prior to the date of departure, a request for travel voucher shall be submitted to the City Manager or their designee for approval or disapproval if no advance registration or air travel is required.

In the event that discounts are available either for registration or air travel, the Request for Travel Voucher shall be submitted, whenever possible in a manner so as to receive the greatest discount.

The Request for Travel Voucher shall identify the purpose of the trip, any anticipated expenses in accordance with this policy, and the department and account number for the expenditure. Attached to the voucher shall be a copy of any brochures, correspondence, or other pertinent information which elaborate on the purpose of the request.

Each employee elected or appointed official shall submit an individual Request for Travel Voucher.

### **34.3 Approval of Request for Travel Voucher**

If the Request for Travel Voucher is approved by the City Manager or their designee, a travel advance sufficient to cover anticipated cost, as defined by this policy shall be provided to the traveling employee or officer.

### **34.4 Travel and Expense Summary**

Within ten (10) working days of returning to the City, the employee, elected or appointed official shall submit a completed Travel and Expense Summary. This document shall include all requested information with supporting documentation/receipts attached.

Supporting documentation/receipts shall include itemized receipts indicating the amount, date, location, and nature of the expense. All expenditures for which a receipt is normally issued shall be supported by such documentation. Should an employee or officer require such documents for their personal use they shall make copies prior to submitting the originals.

Each employee elected or appointed official shall submit an individual Travel and Expense Summary.

If after review of travel and expense summary, it is determined the employee and elected or appointed official is responsible for any expenses she or he will have 10 business days after notification to reimburse the City.

### **34.5 Cash Advance**

Employees and elected or appointed officials may receive a cash advance for such items as food, mileage, lodging, travel, etc., as defined in this policy, when those expenses have not been prepaid or other arrangements made for the payment of these expenditures.

Employees and elected or appointed official authorized to use their personal automobile for attendance at City-related conference may be conference may be provided with a cash advance at the rate established by the IRS (Internal Revenue Service). The amount permitted for mileage to a particular destination shall be determined by the City based on an online mapping source.

Any cash advance shall require proper supporting documentation/receipts upon return to the City.

Should an employee and elected or appointed official not expend all funds provided by the cash advance as reflected by supporting documentation/receipts, unspent funds must be returned to the City unless the cash advance was for a purpose not requiring repayment to the City (e.g. mileage reimbursement).

### **34.6 Prepaid Expenses**

**Registration** – Whenever possible, the City shall prepay registration expenses for meetings, conferences, or seminars. This shall be accomplished by the submission of a Request for Travel Voucher. This voucher shall be submitted, whenever possible, in sufficient time to receive the lowest possible registration fee for the event. Should prepayment of registration fees not be possible, the employee, elected or appointed official shall receive a cash advance in the exact amount of the registration fees.

**Airfare** – Whenever possible, the City shall prepay and obtain airline tickets. Employees and elected or appointed officials shall submit a Travel Report Voucher a minimum of twenty-five (25) days prior to the departure date, whenever possible, to allow for the lowest possible airfare. The City shall obtain airline tickets for coach or tourist class airline fares. Only in emergency situations,

or when less than first class tickets are unavailable, shall other classifications of fares be obtained. Should prepayment and the obtaining of airline tickets by the City not be possible, airfare shall be reimbursed.

### **34.7 Allowable Expenses**

**Personal Automobile** – Employees and elected or appointed officials authorized to use their personal automobile for attendance at a City-related conference shall be reimbursed at the rate established by the IRS (Internal Revenue Service). The amount permitted for mileage to a particular destination shall be determined by the City based on an online mapping source. All employees and elected or appointed officials utilizing their personal automobile for attendance at a City-related conference shall have a valid driver's license and personal automobile liability insurance which meets at least the minimum requirements as established by the state.

**Car Allowance** – City employees receiving a car allowance are eligible for mileage reimbursement for destinations beyond the first 50 miles away from their work location in Willis. A deduction of 50 miles departing and returning (100 total) must be made from any mileage reimbursement request made by employees who receive car allowances.

**Vehicle Parking, Storage, and Tolls** – Expenses for vehicle storage, parking, and/or tolls are reimbursable subject to the submission of supporting documents/receipts.

**Airfare** – Employees and elected or appointed officials shall be reimbursed for coach or tourist class airfare in the event that this is not a prepaid expenditure. Only in emergency situations or when less than first class tickets are unavailable shall other classifications of fares be reimbursed. In this situation, a statement from the airline and/or the travel agent must be provided certifying as to the unavailability of coach or tourist class fares.

**Automobile Rental** – In the event that an employee and elected or appointed official utilizes a rental automobile, the City will not provide reimbursement for a vehicle classified higher than "intermediate" or "mid-size" unless the employee or officer is able to justify the need for a larger vehicle.

- Advance reservations for rental automobiles shall be made by the City prior to the travel so as to ensure the lowest possible rate.
- Reimbursement will be provided for rental of the automobile and fuel cost with the submission of supporting documentation/receipts.
- All reimbursement claims shall exclude any increased charges resulting from personal use.

**Carfare and Taxis** – If taxis, shuttle buses, etc. are utilized, the employee, elected or appointed official shall be reimbursed for actual expenditures and tips with the submission of supporting documentation/receipts. Separate receipts shall be submitted for each trip utilizing a taxi, shuttle bus, etc.

**Lodging** – Whenever possible, the City shall arrange accommodations directly with a hotel or motel. Reimbursement for room expenses shall be based upon actual receipts excluding any personal expenses. The maximum amounts allowable for reimbursement shall be determined by

the City Manager or their designee taking into consideration the particular city or region to which travel is made.

- An employee may receive a cash advance in the exact amount of the anticipated expenditure for hotel or motel accommodations. In this circumstance, any additional business-related expense shall be reimbursed with the submission of proper supporting documentation/receipts.

**Registration** – As noted above registration fees shall be prepaid by the City. In the event that preregistration is not possible, the employee and elected or appointed official may be issued a cash advance in the exact amount of the registration expense; upon return, proper supporting documentation/receipts shall be submitted to the City verifying this expenditure. Should registration fees not be prepaid, or a cash advance not requested, the employee and elected or appointed official shall be reimbursed for the cost of registration as substantiated by supporting documentation/receipts. Reimbursable registration fees shall include only the employee and elected or appointed official.

**Meals** – Employees and elected or appointed officials shall be reimbursed or provided a cash advance in accordance with IRS rules, the per diem allowance for overnight trips will follow the rates shown on the U. S. General Services Administration website for the City for which they are traveling. The website is: <http://www.gsa.gov/portal/category/21287> For partial days of overnight trips, breakfast should equal  $\frac{1}{4}$  of the daily rate, lunch  $\frac{1}{4}$  of the daily rate and dinner  $\frac{1}{2}$  of the daily rate for that city. When an employee, elected or appointed official claims the per diem allowance, any meals provided by the conference will be deducted from the allowance at the per diem rate.

- For attendance at out-of-town conference/seminars requiring more than a single day, employees and elected or appointed officials shall be provided with a per diem allowance in accordance with IRS rules, the per diem allowance for overnight trips will follow the rates shown on the U.S. General Services Administration website for the city for which they are traveling. The website is: <http://www.gsa.gov/portal/category/21287>. Upon return, any unspent monies due to the prepayment of meals as part of registration expenses shall be returned to the City.
- For partial days of overnight trips, breakfast should equal  $\frac{1}{4}$  of the daily rate, lunch  $\frac{1}{4}$  of the daily rate, and dinner  $\frac{1}{2}$  of the daily rate for that city. When an employee, elected or appointed official claims the per diem allowance, any meals provided by the conference will be deducted from the allowance at the per diem rate.

**Other Expenditures** – Any expenses other than those listed shall be itemized and substantiated by proper supporting documentation/receipts. Reimbursement for expenditures not strictly identified by this policy shall require the approval of the City Manager or their designee.

### **34.8 Medical Expenses**

Cost of medical services and supplies incurred while on travel status are not to be included on the Travel and Expense Summary. Such cost, however, are subject to reimbursement under the City's medical insurance coverage or Worker's Compensation in accordance with the provisions of these plans.

### **34.9 Exceptions**

Employees and elected or appointed officials who travel in City-owned vehicles shall be reimbursed for the actual cost of fuel, oil, or other related expenditures necessary for the safe operation of the vehicle when substantiated by proper supporting documentation/receipts.

When two (2) or more employees or elected or appointed officials travel in a single automobile, only one (1) employee or elected or appointed official shall receive mileage or other automobile reimbursement.

Travel and/or moving expenses involving applicants or new employees may be reimbursed if approved by the City Manager or their designee. The approval of these types of expenses shall be determined on a case-by-case basis and shall be approved in advance.

Costs of personal entertainment, spouse's/family's expenses, alcoholic beverages, traffic citations, illegal activities, or other non-City related activities are not allowable for reimbursement.

## **SECTION 35: SEARCHES OF CITY PROPERTY**

The City of Willis reserves the right to conduct searches when the City has reasonable suspicion to believe that a search will uncover evidence of prohibited conduct and/or for unlawful or prohibited weapons, including, but not limited to: City Technology, computers, electronic mail, Internet records, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, briefcases, personal bags, personal toolboxes or tool kits, parking lots, City vehicles, desks, offices, and personal vehicles parked on City premises. If appropriate or if probable cause of a crime exists, the City may contact the City Police to conduct individual searches of employees. All employees are expected to fully cooperate with the investigation into any incidents. Failure to cooperate with an investigation may result in adverse employment action against the employee up to, and including, termination of their employment with the City. If an employee is injured while participating in aggressive behavior or after instigating such behavior, entitlement to workers' compensation benefits may be denied.

**ARTICLE III: EMPLOYEE PERFORMANCE, PROMOTIONS, CONDUCT,  
DISCIPLINE, TERMINATION, & APPEALS**

**SECTION 36 : PROMOTIONS, TRANSFERS, & DEMOTIONS**

Departments may request that Human Resources post a vacancy for internal applicants, thereby restricting consideration to current City employees. Internal applicants shall be handled in accordance with the employment selection section in this Policy Manual.

The online application form, performance evaluations, and other personnel documents should be reviewed when considering applicants for a vacancy. The employee selected for the new position should provide at least two weeks' notice to the releasing department, except where both departments agree on a different notice period.

**36.1 Promotion**

A promotion is defined as a move (other than temporary, or interim, or acting) from one position to a different position in a higher pay grade. In the case of a promotion, the employee will receive an increase in salary to the appropriate level for that pay grade. Promotional pay increases are as follows:

- employees subject to the general pay plan will receive a pay increase at the minimum of the new pay grade;
- employees subject to a step pay plan will begin at step zero of the new promotional rank; and
- promotional pay increases beyond these options must be approved by the City Manager.

For promotions executed between October 1 and December 31 under the general pay plan, the employee will receive the promotional salary increase at the time of the promotion. If the employee is allotted a merit increase in January based on their evaluation score, they will be given the increase effective the first full pay period in the following January. The percentage increase will be applied to the pay rate prior to their promotional increase. If the employee was already at the top of their pay grade, they will only receive the promotional raise. They will be given the percentage increase they were entitled to prior to their promotion.

**36.2 Probationary Period for Promoted Employees**

All employees who receive a promotion will serve an additional six-month probationary period in their new position. A performance review will be given at or near the conclusion of the promotion's probationary period. The supervisor may, at any time during this period, determine the individual is not suited to the position and may either transfer the employee, if a suitable position is available, discipline, or terminate the employee. The City has no obligation to place the individual in another position within the City, including the position formerly held

**36.3 Transfer**

A transfer is an assignment of an employee from one position to another, not involving promotion or demotion. A transfer may be for administrative convenience or upon the written request of the employee to any vacancy for which the employee meets the minimum qualifications. A transfer may also be temporary depending on the circumstances and applicable state or federal law.

A lateral transfer will not affect the individual's salary; however, a transfer to a lower-paying job may require an adjustment in salary and/or other salary-related benefits. If the transfer is to a position in a higher pay grade, the transfer may be considered a promotion and a salary increase may be authorized.

### **36.4 Demotion**

A demotion is defined as the voluntary or involuntary movement of an employee from a pay grade with a higher midpoint to a pay grade with a lower midpoint.

An involuntary demotion, also known as a disciplinary demotion, will be handled as stated in the disciplinary procedures section in \_\_\_\_\_. A pay reduction may be required and is reviewed by the department director, Human Resources Director and the City Manager.

A voluntary demotion can occur if a vacancy position exists and if the employee meets all the requirements and minimum qualifications of the new position. A pay reduction may be required and will be reviewed by the department director, Human Resources Director and the City Manager.

## SECTION 37: PERFORMANCE STANDARDS

### 37.1 General Policy Statement

The performance of all employees is to be maintained at an acceptable level as determined by their supervisors. In the event any supervisor determines the employee's performance is below the accepted level in any given area, the supervisor is required to note the performance concern(s) in writing, contemporaneously with the observance of the concern. Timely documentation provides an opportunity for the employee to remediate the deficiency prior to formal discipline. However, nothing in this general policy statement, nor any of the other sections of this Handbook will prevent any director from taking immediate formal disciplinary action, including without limitation, demotion and/or termination, when such action is determined by the director, and/or the City Manager to be in the best interest of the City, and such right to take immediate action is hereby preserved.

In some instances, and with the City Manager's approval, a director can require a Fit for Duty exam and/or other medical exam to evaluate the employee's ability to perform the essential functions of their position without risking the safety and well-being of both the employee and others. Failure to comply with the City's directive to seek counseling assistance, a psychological exam, or other medical exam may result in disciplinary action up to, and including, termination.

### 37.2 Grounds for Dismissal

Grounds for immediate dismissal of an employee may include, but are not limited to:

- Dishonesty, including but not limited to: acts reflecting dishonesty or falsification of official documents, information or records. This includes, but is not limited to: forgery, misuse of authority, employee identification or business card and/or misrepresentation or knowingly providing false information.
- Release of confidential information or disclosing information in unauthorized capacity.
- Use, sale and/or possession of intoxicants while on duty, or reporting for duty while under the influence of intoxicants;
- Use, sale and/or possession of a controlled substance while on duty, or reporting for duty while under the influence of a controlled substance;
- Unauthorized possession of firearms, explosives or any dangerous weapons at any time, on any City property (including, but not limited to, parking lots and City vehicles) or while performing City work, except as allowed by law;
- Conduct underlying an arrest or conviction that is inconsistent with the job duties of an employee's position or business necessity;
- Repeated or habitual absenteeism or tardiness, absence without leave for two consecutive working days or more, with or without notice by the employee, or absence for any reason, medical or otherwise, or an absence of 12 weeks or more as long as such circumstances comply with applicable laws;
- Insubordination or refusal to comply with a directive, including disrespect displayed toward a supervisor or public safety personnel or the City while performing work for the City and abusive language to any supervisor;
- Fighting, threat of violence or any unnecessary disruption in the workplace;
- Willful or reckless misuse, destruction, theft, sale or conversion of City property, whether on or off duty, including, but not limited to, destruction, misappropriation or removal of City property (including files and work documents), City funds or the property of employees, clients, vendors, citizens or customers;

- Substandard performance, inability or unwillingness to perform the essential functions of the position, as defined in the employee's job description;
- Misconduct or mismanagement of a position of employment by action or inaction, neglect that jeopardizes the life or property of another, intentional wrongdoing, intentional violation of a law or violation of a policy or rule adopted to ensure the orderly work and safety of employees;
- Engaging in activities other than assigned work during working hours and/or while operating city equipment, without advance written approval by the employee's supervisor;
- Entering a department or area other than the employee's own department or work area outside of the area's normal business hours without advance approval by the employee's supervisor or the supervisor of the department or area being entered;
- Use of City property or time for personal financial gain;
- Failure to report occupational injuries or accidents promptly to the employee's supervisor, including motor vehicle accidents in a City vehicle;
- Failure to report discrimination, harassment and/or retaliation of themselves and/or other employees as required by City policies;
- Any activity, City-connected or otherwise, that, because of publicity given it, or knowledge of it among City employees, officials, community members or others, impairs or diminishes the employee's effectiveness in the City;
- Soliciting and/or accepting benefits or gifts of any kind from vendors, actual or potential;
- Providing special favors or privileges to anyone, either as payment or under any other circumstance Violation of the City's Technology policies;
- Intentional mistreatment of citizens so grievous that it leads to damage or reflects negatively on the City;
- Violation of the ordinances of the City of Willis or of these rules or any policy include herein;
- Non-compliance to the GENERAL POLICY STATEMENT outlined at the beginning of this section; or
- Any reason or no reason as deemed appropriate by the director and the City Manager.

**37.3 Nothing in this section will alter the at-will employment status of the employee.**

The above listed items is not an exhaustive list, are not the only grounds for dismissal, and are not listed in any particular hierarchy of offenses.

## **SECTION 38: PERFORMANCE EVALUATIONS**

In accordance with the City Charter, a written evaluation will be completed on an annual basis for all employees.

As part of the evaluation, employees are asked to complete a Performance Self-Evaluation Questionnaire. These are brief questions about how employees perceive their performance, additional training received during the period since the previous evaluation, and additional training desired in the future. This information is used to assist employees and their supervisor in communicating and reaching mutual goals.

## SECTION 39: DISCIPLINARY PROCEDURES

To the greatest extent possible, the City will use a progressive discipline system. The City, however, is not obligated to use all of the progressive disciplinary steps and certain circumstances may skip progressive discipline steps. The City may begin the disciplinary process at any level, up to and including termination, based upon the severity of the infraction.

All demotions and terminations of employees, regardless of probationary status or employment category (part-time, seasonal, etc.), shall be reviewed by the Human Resources Director and approved by the Department head and/or City Manager prior to action being taken. All meetings relating to disciplinary action, other than an appeal of a disciplinary action, will be between City representatives and the employee. The City disciplines employees based on their entire record. The City may consolidate issues and is not required to use separate discipline for each type of misconduct.

### 39.1 Types of Disciplinary Actions:

**Oral Warning:** The oral warning is a conference, discussion, talk or any other form of oral communication between a supervisor and employee in which the intent is to correct unsatisfactory job performance or conduct. Supervisors shall document oral warnings given to their employees in the employee's file, citing at a minimum the date of warning, content of the warning and expected action to be taken by the employee to avoid further disciplinary action. The employee may request a copy of the note-to-file documentation.

**Performance Improvement Plan (PIP):** Should performance not immediately improve, action including, but not limited to, a written action plan will be enacted. Supervisors, or the appropriate level of departmental authority, will collect the facts and specifically identify the issue. The supervisor and the employee will then meet to develop an action plan to resolve the problem. This is called a Performance Improvement Plan (PIP) and will include a deadline for successful completion, not to exceed 90 days. The employee will be provided, and sign receipt for, a copy of the PIP acknowledging their opportunity to participate in the development of the plan. A PIP will clearly define the issue and cite the rule or regulations allegedly violated. Failure to adhere to a PIP may result in further disciplinary action up to, and including, termination.

**Written Reprimand:** The written reprimand is used to document, in writing to the employee, the unsatisfactory job performance or conduct that has been demonstrated by the employee. The employee will be requested to sign the reprimand. If the employee refuses, the supervisor present shall document on the reprimand that the employee was given the opportunity to sign but refused. The employee shall be given a copy of the supervisor's signed, written reprimand.

**Suspension:** Suspension without pay is used when an employee's unsatisfactory job performance or conduct requires more severe disciplinary action than a Performance Improvement Plan (PIP) or written reprimand. A director can recommend an employee for a minimum suspension of one day to 10 days. Any suspension over 10 days requires written approval from the City Manager. Written documentation must be given to the employee outlining the reason for the suspension and a copy should be forwarded to the Human Resources Director within 24 hours, or as soon as practicable, of the suspension. Human Resources will then notify Payroll of the suspension to ensure proper payroll records are maintained. During an investigation, hearing, or trial of any employee on a criminal charge, an employee may be suspended with or without pay.

Suspended employees will be restricted from access to City property and technology but must be reasonably available to the City for phone calls or meetings during the period of suspension.

**Demotion:** A disciplinary demotion is the reduction of an employee's pay grade as a result of action initiated by the City. Disciplinary demotions should only be considered as an appropriate form of action when the employee's job performance or conduct is unsatisfactory in the current position, and it is determined the employee should be retained in a lower graded position in an effort to remediate the employee's performance.

No reduction will be retroactive or deprive an employee of consideration for pay increases at a later date. As with promotions, all demoted employees serve an initial probationary period of six months in the new position.

**Termination:** A director may dismiss an employee at any time, for any lawful reason. This may include review of the facts, City policies and applicable laws and regulations.

A copy of any disciplinary action must be given to the employee and the Human Resources Director for inclusion in the employee's personnel file.

### **39.2 Appeal Procedure**

- A. Other than the Performance Improvement Plan (PIP), employees have an option to appeal a demotion or any form of disciplinary action directly to the City Manager. The appeal must be in writing stating specific reasons why an appeal should be granted, evidence supporting the appeal, and relief requested. The appeal must be delivered to the City Manager's office within **five City business days** of the date the employee knew, or with reasonable diligence should have known, of the decision or action giving rise to the appeal. An appeal that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing. All time limits shall be strictly followed.
- B. Appeals arising out of an event or a series of related events shall be addressed in one appeal. Employees shall not file separate or serial appeals arising from any event or series of events that have been or could have been addressed in a previous or single appeal. When two or more appeals are sufficiently similar in nature and remedy sought to permit the resolution through one proceeding, the City may consolidate the appeals.
- C. The appeal will be promptly reviewed and investigated. To the extent feasible, the employee will be advised of the appeal decision in writing within five City business days. If additional time is needed to conduct the investigation, the City Manager's office will notify the employee that additional time is needed and advise of the date findings are anticipated.
- D. The City Manager's decision is final. There is no appeal process beyond the City Manager and the employee should not contact the Mayor or City Council to discuss appeals and/or personnel matters.
- E. Any disciplinary action will be in accordance with these personnel policies and/or federal or state laws and regulations.
- F. Any employee who knowingly or maliciously makes a false report (complaint) will be subject to disciplinary action up to, and including, termination.

## **SECTION 40: SEPARATION FROM THE CITY**

### **40.1 Voluntary Separation/Resignation**

When an employee is voluntarily resigning from their position, the City requests a minimum of two-week notice and requires a written resignation letter. Verbal resignations will not be accepted. A written resignation must state the date the resignation shall become effective and must be provided to the employee's supervisor or other member of their management team. The department director may choose to make the resignation immediate and forgo the two-week notice. In this case, the employee's resignation date would be the date the resignation letter was submitted.

Leaving the employment of the City voluntarily without notice may cause an individual to be ineligible for rehire by the City. The final compensation paycheck for a voluntary separation will be issued no later than the next regularly scheduled payday. Accumulated sick and vacation time will be paid out in accordance with the sick and vacation leave policies.

### **40.2 Involuntary Separation/Termination**

The final compensation check for an employee who has been involuntarily terminated will be available no later than required by state law, following the termination. No sick time will be paid out for involuntary separation. Terminated employees are ineligible for rehire by the City, however, the City Manager can allow an exception.

### **40.3 Non-disciplinary Termination**

Any employee who has exhausted their leave options under the Family Medical Leave Act (FMLA) and/or has exhausted paid time, including sick, vacation, comp time, and/or donated sick time and is unable to obtain a medical release to return to full duty, will be subject to non-disciplinary termination.

### **40.4 Retirement**

When an employee is retiring from their position, the City requests a two month notice and an official written retirement notice. Verbal notification of retirement cannot be accepted. A written retirement letter must state the date the retirement shall become effective and must be provided to the employee's supervisor or other member of their management team.

### **40.5 Additional information**

On final pay for those employees separating (exiting) with the City includes the following:

- All exiting employees will receive payment for all unused, accrued vacation leave, up to the maximum carry-over limits.
- Employees cannot use accrued leave to fulfill a two-week notice, unless scheduled in advance or upon the department director's approval.
- Non-exempt (hourly) employees will be compensated for unused compensatory time accumulated, up to, and including, the maximum accrual of the equivalent of one week of regular hours worked. The compensatory time will be paid out at the employee's current rate of pay.
- Exiting employees may be asked to participate in an exit interview and will be notified of any portable benefits available to them.
- All City equipment and property must be returned to the City before the final compensation check is released.

## **SECTION 41: EMPLOYMENT VERIFICATION**

It is the policy of the City of Willis to restrict and direct all employment verifications and references to the Human Resources department. If employees are contacted for a reference, they are expected to refrain from making personal comments – either positive or negative. This applies to any mortgage verification, credit check or contact made by a potential employer, whether they are listed as a business reference or personal reference by the employees. Exceptions can only be granted in writing by the City Manager. Unless exceptions are made based on established laws, such as in the field of public safety, the City will only confirm dates of employment, position(s) title(s), and salary by phone.

For request made by email or other contact, a formal open records request submitted to the City of Willis or a release signed by the current or former employee is required to view the personnel file pursuant to the Public Information Act. The most common request is an electronic copy of the last two annual performance reviews and exit documents.

Letters of recommendation are a valuable tool for former employees. If employees wish to provide such a letter for another employee, they are asked to notify the Human Resources Director in advance and provide a copy of all letters for the employee's permanent personnel file.