



# **CITY OF MINEOLA**

## **EMPLOYEE HANDBOOK**

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## EMPLOYEE ACKNOWLEDGMENT FORM

The City of Mineola (the "City") Employee Handbook describes important information about the City's personnel policies and procedures, and I understand that I should consult my supervisor and/or my Department Director regarding any questions not answered in the Employee Handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time.

With the exception of the City's employment-at-will policy, all of the information, policies, and benefits described in the Employee Handbook are subject to change. I agree that any conflicts or ambiguities in City policies and procedures will be decided by the City Manager **and/or** City Council. I acknowledge that revisions to the Employee Handbook may occur, except to the policy of employment-at-will. I understand that revised information may supersede, modify, or eliminate existing policies. I also understand that only the City Council has the authority to enter into an employment agreement or contract on behalf of the City for a specific period of time. Any such agreement or contract must be an express written employment contract signed by the mayor on behalf of the City Council and the affected employee.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document. I have received the Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Employee Handbook supersede all prior written and/or oral City policies.

---

EMPLOYEE'S SIGNATURE

---

DATE

---

EMPLOYEE'S NAME (TYPED OR PRINTED)

**A WARM WELCOME  
TO EXISTING AND NEW EMPLOYEES OF  
THE CITY OF MINEOLA**

The City of Mineola welcomes you as an employee. We hope your work with the City will live up to your expectations and that your tenure with us will be a long and rewarding one. If you are a current employee, we wish to express our sincere appreciation for your valued service. We are proud of our City and its greatest asset – our employees.

One of our objectives is to provide a work environment that is conducive to both personal and professional growth. We believe that each employee contributes directly to the long-term growth and success of the City, and we hope you will take pride in being a member of our team.

We are pleased to provide you with this Employee Handbook, which outlines the personnel policies and practices in effect at the City. The Handbook will be a helpful reference during your association with the City. Also, we encourage you to freely ask questions of your supervisor, Department Director and the Human Resources Director. The City Manager will welcome your comments and suggestions regarding the work place.

The City has set very high standards for you and expects you to conduct yourself in a way that reflects favorably on the City and its administration. At the same time, the City is committed to providing you with challenges, recognition, appropriate compensation and benefits to help you reach your goals and objectives.

By working together in this way, I am confident that the future will be both productive and prosperous for you and our community.

Our best wishes for your success,

City of Mineola

# **CITY OF MINEOLA EMPLOYEE HANDBOOK**

## **SECTION 1 – INTRODUCTION AND KEY POLICIES**

### **1.1 INTRODUCTION**

This Employee Handbook is designed to acquaint you with the City of Mineola (the “City”) and provide you with information about working conditions, employee benefits, and some of the other policies affecting your employment. You should read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines many of the programs provided by the City to benefit employees. (Eligible employees will be given additional information about the City’s various benefit programs.)

The policies set forth in this Employee Handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the Employee Handbook have been developed at the discretion of the City Council and, except for its policy of employment-at-will, may be amended or canceled at any time, at the City’s sole discretion. The policies in this Employee Handbook supersede all prior written and/or oral City policies. If you have any questions about any of the City’s policies, please ask your Department Director, the Human Resource Director, or the City Manager.

The policies in this Handbook apply to all employees unless specified otherwise by the policy itself or by State law, a specific departmental policy approved by the City Manager, or official City Council action.

### **1.2 MANAGEMENT AUTHORITY**

It is the policy of the City that the general and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or by City ordinance. The City Manager may, at his or her sole discretion, delegate authority to appropriate staff members to act on his or her behalf.

Department Directors are responsible for the proper and effective administration of these policies within their respective departments. Individual City departments may develop policies and procedures that are consistent with city policies and procedures, subject to review and approval by the City Manager. No such departmental rule or policy is effective until approved in writing by the City Manager. A copy of all departmental rules and policies will be filed with the Human Resource Director. In the event of any conflict between department rules



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and policies and this Employee Handbook, the policies in the Handbook will control.

### **1.3 EMPLOYMENT AT WILL**

Employees who do not have a written, individual employment contract, signed by the City Council and the affected employee, for a specific, fixed term of employment, are employed at will. This means that no individual supervisor has the authority to create an employment contract with an employee for any specified length of time. Either the employee or the City may terminate the employment relationship at any time, for any reason, without notice or cause.

### **1.4 EEO POLICY**

The City of Mineola is firmly committed to providing employees with a work environment where all individuals are treated with respect and dignity. It is the City's policy to ensure equal employment opportunity without discrimination on the basis of race, color, religion, sex, national origin, age, disability, marital status, veteran status, citizenship or any other characteristic protected by law. The City prohibits discrimination on the basis of any of these protected characteristics. Employees are required to report any perceived incidents of discrimination in accordance with the reporting requirements set out in the City's Sexual and Other Unlawful Harassment Policy. It is the policy of the City to investigate such reports. The City also prohibits retaliation against any individual who reports discrimination or who participates in an investigation of such reports.

### **1.5 SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY**

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

#### **Sexual Harassment**

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

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. The following are examples of conduct prohibited by this policy: sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

### **Other Prohibited Harassment**

In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to: epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures that single out, denigrates, or shows hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, pager, cell phones, Instant Messaging, text messaging and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

### **Mandatory Reporting**

The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or

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she has been subjected to harassment prohibited by this policy must report it immediately to:

- a Department Director;
- the Human Resources Director; or
- the City Secretary; or
- the City Manager.

Any supervisor or manager who becomes aware of possible sexual or other harassment prohibited by this policy must immediately advise his or her Department Director. The Department Director shall immediately notify the City Manager that a complaint has been received. If the complaint is against a Department Director, the City Manager, Human Resource Director or City Secretary may be contacted directly.

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

### **Investigation**

All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

### **Retaliation Prohibited**

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

### **Responsive Action**

Violations of this policy will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct or harassment were fabricated or exaggerated.

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### **1.6 AMERICANS WITH DISABILITIES ACT**

To ensure compliance with the Americans with Disabilities Act, and to ensure that no qualified person with a disability is discriminated against based on such disability, the City offers equal employment opportunity to qualified individuals and strictly prohibits the discrimination against qualified individuals on the basis of disability.

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

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

# CITY OF MINEOLA EMPLOYEE HANDBOOK

## SECTION 2 – ADMINISTRATION

### 2.1 JOB DESCRIPTIONS

Each Department Director is responsible for creating and updating written job descriptions for each position within the Department. The City Manager will periodically review the duties and responsibilities of each position within the City and set pay levels commensurate with the duties and responsibilities, skill and educational requirements and experience level associated with each position. Employees should receive a copy of their job descriptions upon hiring or reassignment, or if the job description changes.

### 2.2 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either nonexempt **or** exempt from Federal and State wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently, if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the City Manager.

**Nonexempt Employees** - Nonexempt employees are entitled to overtime pay for hours worked in excess of 40 in a workweek, (or over 86 hours in the Police Department or over 106 in the Fire Department in a single work period) under the specific provisions of Federal and State laws.

**Exempt Employees** - Exempt employees are those who are not covered by applicable wage and hour laws. Exempt employees are expected to put in the hours necessary to complete their assignments in a timely and quality basis.

“Docking” an exempt employee's pay for a partial day's absence is generally prohibited and will only be permitted as authorized by law and approved by the HR Director. In addition, no deductions will be made from an exempt employee's salary for absences, whether for a full or partial day, if the absence is caused by the City or by the operating requirements of the City, e.g., if City Hall is closed because of bad weather, if City Hall is closed for Thanksgiving, Christmas, or other holiday recognized by the City, or if there is no work to be performed. Further, exempt employees will be paid for absences caused by jury duty, attendance as a witness, or temporary military leave. The City may, however, offset an exempt

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employee's salary by the amount the employee receives in jury or witness fees, or military pay.

This policy is subject to the general rule that, without accrued paid leave time, an exempt employee need not be paid for any work week in which he or she performs no work.

It is the City's policy not to make improper deductions from exempt employees' pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify the Human Resource Director or the City Manager. The City will promptly reimburse employees for any improper deduction(s) and will make good faith commitment to comply in the future.

In addition to the above categories, each employee will belong to one of the following employment categories:

**Probationary** – Most newly hired or rehired employees hired to fill a regular full-time position are probationary employees until such time as they successfully complete their initial probationary period. Employees in their initial probationary period are not entitled to progressive discipline and have no appeal rights for any type of disciplinary action taken against them. The probation period for certified Firefighters, Paramedics and Police Officers is one (1) year. The probation period for all other employees is six (6) months.

**Regular Full-Time Employees** - Regular full-time employees are employees who are not in a temporary or part-time status, who have successfully completed their initial probationary period and who are regularly scheduled to work 40 hours or more per week (or over 86 hours in the Police Department or over 106 in the Fire Department in a single work period). Generally, regular full-time employees are eligible for the City's full benefits package including vacation, annual leave, sick leave and holiday pay, subject to the terms, conditions, limitations, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

**Regular Part-Time Employees** - Regular part-time employees are employees who are not assigned to a temporary status and who are regularly scheduled to work less than 30 hours per week. While part-time employees are eligible for all legally mandated benefits (such as Social Security and workers' compensation insurance coverage), they are generally ineligible for most of the City's other benefit programs, except pro rata holiday pay and TMRS participation if they work at least 1000 hours in a year.

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**Temporary Employees** - Temporary employees are employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing by the City Manager. While temporary employees who work directly for the City (as opposed to a temporary staffing agency) receive all legally mandated benefits (such as workers' compensation insurance coverage and Social Security), they are generally ineligible for the City's other benefit programs. Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

**Volunteers** - Volunteers are not employed by the City in any capacity. Volunteers voluntarily elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits, and are not covered by worker's compensation. Individuals employed by the City cannot volunteer their time for the same types of services that they are performing in their regular position with the City. City employees will not be coerced into volunteering their time for City services. Employees who want to volunteer their time for the City must submit a written request to the City Manager. The City Manager must formally sign the request to approve the work prior to the volunteer work being performed. The request should then be sent to the Human Resources Director to be filed in the personnel file of the individual. As defined by the U.S. Department of Labor and the Fair Labor Standards Act, the term "volunteer" shall mean: Anyone who performs a service of his or her own free will; who contributes time, energy, or talents directly and/or on behalf of the City of Mineola; and without compensation or expectation of compensation beyond expense reimbursement if authorized. Volunteers for the City must be at least sixteen (16) years of age.

### **2.3 IMMIGRATION LAW COMPLIANCE**

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be

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done within 3 days of beginning employment. Failure to provide the necessary documentation within 3 days will result in termination of employment. Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

### **2.4 EMPLOYMENT OF RELATIVES/NEPOTISM**

In accordance with state law, no person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, any member of the City Council or the City Manager may be appointed to any office, position, or other service of the City. This prohibition does not apply to relatives who were continuously employed by the City as set out in the applicable section of the Government Code.

Further, in order to prevent accusations or perceptions of biased conduct or conflicts of interest arising from family relationships and to maintain the confidentiality of restricted information, the following restrictions on the employment of relatives (defined to include ex-spouses, roommates, and "significant others") will also apply:

- No City employee may supervise, review or process the work of a relative;
- Related employees' relationship must not create a conflict between employee-employer's interests;
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Relatives will not be permitted to work in the same department with each other without prior written authorization from the City Manager. In addition, written authorization must also be obtained from the City Manager to employ any relative of a current City employee.

In the case of marriage of two employees, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees may be required to terminate employment.

### **2.5 PERSONNEL RECORDS**



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Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file, which will be maintained by the Human Resource Director and/or the City Secretary. Regular performance reviews, change of status records, commendations, disciplinary action, and educational and professional attainment records are examples of records maintained in personnel files.

Employees are responsible for keeping the Human Resource Director or the City Secretary informed of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation) and name and address of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful omissions in any of this information may result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Personnel files of employees are the property of the City and access to the information they contain is restricted (the employee has access to his/her own personnel file). However, access to the information in an employee's personnel file may be subject to disclosure in accordance with the Texas Public Information Act. Examination of an employee's personnel file by a potential employer may be permitted with a written release acceptable to the City.

### **2.6 CONFIDENTIALITY OF MEDICAL INFORMATION**

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City will also maintain a separate medical file for each employee. These files will be maintained by the Human Resource Director and/or the City Secretary.

It is important that employees understand that the records are confidential but that the confidentiality may be waived if the employee provides medical information to his/her supervisor or to anyone other than the Human Resource Director and/or the City Secretary. In order for employees to preserve the confidentiality of medical records, any and all information from physicians and other health care providers should not be provided to the immediate supervisor unless the employee does not

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mind the information being shared with supervision. If an employee does provide information to the supervisor, however, the supervisor is expected to keep it confidential.

Examples of information that may be provided by an employee's health care provider include:

- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records; and
- workers' compensation records.

This policy does not excuse employees from complying with appropriate supervisor requests for information pursuant to attendance procedures. If, however, an employee does not provide the information directly to the supervisor, the employee may not be entitled to return to work or to receive certain City benefits unless such information has been provided to the Human Resource Director and/or the City Secretary.

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

### **2.7 OTHER EMPLOYMENT**

The City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities such as holding a second job may interfere with, or detract from, an employee's work on behalf of the City, work for other employers is strongly discouraged in many instances. Employees will not be permitted to hold another job (including self-employment and volunteer work) that might discredit the City, result in a conflict of interest (or potential conflict of interest) or result in anything less than a satisfactory performance of the employee's regular and normal duties on behalf of the City. Other outside activities that similarly distract from an employee's ability to satisfactorily perform his or her job with the City are also discouraged. Before engaging in self-employment or accepting employment (whether for pay or as a volunteer) with another employer, the employee must obtain the written

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authorization of their Department Director and the City Manager. If the request is approved, it will be maintained in the employee's personnel file.

Approval for outside employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in outside employment as defined in this policy unless expressly authorized in writing by the Department Director and the City Manager.

### **2.8 CONFLICTS OF INTEREST**

No employee of the City may:

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

Violations of this policy will likely result in disciplinary action up to and including termination of employment. If you have any questions regarding the prohibitions imposed by this policy, please see your Department Director or the City Manager.

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### **2.9 INCLEMENT WEATHER/EMERGENCY CLOSING**

Except for extraordinary circumstances, City offices DO NOT CLOSE because of bad weather or other emergency. In the event of inclement weather, employees are expected to use their good judgment and are asked not to take unnecessary risks. If you feel that you are unable to drive because of weather conditions (not forecasts!) or are otherwise unable to get to work because of the weather, you must call your supervisor. (You must make this call no later than the time you would normally leave home for your commute to work, or as otherwise directed by your Department.) The City may then make arrangements to provide you with alternate transportation to transport you to and from work.

Under certain circumstances, the City Manager may close certain departments, or various operations within a department. If the City makes the decision to close, affected employees will have an excused absence with pay. If the employee's department is not officially closed, absences because of weather will not be excused and any employee who fails to report to work will be charged vacation or comp time for days missed. If an exempt employee has no accrued vacation or comp time, he or she will be required to make up the missed time at a later date. If a nonexempt employee has no accrued vacation, compensatory time, or personal day available, he or she will not be paid for the time missed.

Many City departments provide essential services and employees are required to report to work regardless of adverse weather or other conditions. Essential personnel are designated by the City Manager and/or Department Director. Essential personnel who fail to report to work may be subject to disciplinary action, up to and including termination of employment. Police, Fire or other essential personnel will be required to report to work when other City departments are officially closed because of weather or other type of extraordinary circumstances.

### **2.10 TRAINING**

From time to time, the City offers training to its employees to enhance or acquire new skills for the performance of their jobs or future advancement. Training may include seminars, institutes, in-house training, and courses offered for credit at local colleges/universities. Your Department Director or the City Manager may require you to participate in appropriate training from time to time. You may also request that you be allowed to participate in appropriate training. Work load, training topic and appropriateness to job duties, budget constraints, cost of training, and other factors will be considered by the City in determining if requested training will be approved.

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**Time Spent in Training.** Normally, time spent by nonexempt employees in training will be considered work time and employees will be compensated. Attendance at training, lectures, meetings, etc., will not be counted as working time **if:** (Note: City Council approved Volunteer Fire Department employees may attend fire/rescue training with pay without taking accumulated time off).

- attendance is voluntary;
- the employee does no productive work for the City while attending; and
- the program, lecture or meeting is not directly related to the employee's job; it is considered directly related to the employee's job if it aids the employee in performing his or her current job better, as distinguished from teaching the employee another job, or a new or additional job skill.

**Prior Authorization.** All requests for outside training must be approved in advance by your Department Director. Requests for outside training must be in writing and submitted as far in advance as possible.

### **2.11 PURCHASING PROCEDURES**

Employees who need to make purchases on behalf of the City must follow the procedures outlined in the City Purchasing Policy as approved by the City Council.

### **2.12 TRAVEL REIMBURSEMENT and CREDIT CARD USE**

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy. Employees must use the most efficient and economical mode of travel.

**Prior Authorization.** All requests for outside training must be approved in advance by your Department Director. Requests for outside training must be in writing and submitted as far in advance as possible. Department Directors are required to provide copies of conference agenda and travel authorization with the purchase order request to the Finance Director in advance of the training.

**Request to Travel.** When an employee travels on behalf of the City for anything other than the routine travel when performing an employee's normal duties, the appropriate form must be completed by the employee and submitted for approval to the Department Director. Department Directors must obtain approval for their own travel from the City Manager or his/her designee. The travel request

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must be submitted as soon as the need to travel is known. All travel on behalf of the City must be approved prior to any expenses being incurred.

**Request for Advance Funds.** An employee needing an advance of funds must, except for under extenuating circumstances, complete and submit a written request for an advance of funds at least 5 business days before the advance is needed.

**Request For Reimbursement.** A request for reimbursement form and substantiating itemized receipts must be submitted to the Department Director (or, in cases of travel by a Department Director or the City Secretary, to the City Manager) **within ten business days after completion of travel.** The form must include the purpose of the trip, the destination (city and state), and the departure/return dates and times.

**Approving Authority.** All travel and meeting documents, requests for travel, requests for advance of funds, and requests for reimbursements (with supporting receipts), must be approved as follows:

- The City Manager is the final approving authority for Department Directors, the City Secretary and other employees' travel.
- All travel documents must be submitted to the employee's Department Director for review prior to submission to the City Manager for further action.
- Spouse travel expenses must be paid by the employee.
- Only the actual cost of reasonable and necessary business related expenses incurred by the employee on behalf of the City will be reimbursed.

**Automobile Transportation/Hotel/Motel Reimbursement.** The City has the option of requiring that travel be made in a City-owned vehicle. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile, equivalent to the current allowable IRS reimbursement rate per mile or the cost of a round-trip coach airline ticket, whichever results in the lower cost to the City, plus other stated costs (*i.e.*, parking at airport and ground transportation at destination). When possible, receipts should be provided for toll and parking fees, as well as for taxi cabs and other modes of transportation. A mileage log or other supporting documentation must be submitted with the Expense Reimbursement form. Those employees receiving a car allowance will not be paid mileage reimbursement for travel. Employees will be reimbursed for the actual cost of lodging in a hotel/motel that is appropriate for the particular meeting or purpose of the trip. The City will not reimburse for pay per view movies/in-room movie charges.

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**Meals and Overnight Travel.** Employees who travel on City business are required to follow the appropriate reimbursement procedures. Please see the current policy or Finance Director for more information. An itemized receipt(s) is required for reimbursement. The City will not reimburse for alcoholic beverages.

Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. If an employee is requesting to be reimbursed for actual costs, a detailed receipt (a credit card receipt listing the total amount due is not considered a detailed receipt) must accompany the request for reimbursement. In lieu of itemized receipts for meals a per diem allowance is authorized. Even if supported by a receipt, reimbursement shall not exceed standard government per diem rates as posted on the GSA government website. If your seminar or training event includes the provision for a meal, the appropriate deduction will be made from your per diem allowable reimbursement.

The per diem shall be adjusted for partial travel days. Travel-related meals will be reimbursed if an overnight stay is required or if multiple trips are required during two or more consecutive days.

**Credit Card Use.** Some employees may be issued City credit cards and these cards can be used for travel and other travel-related expenses that are typically paid by the City. Travel related purposes shall include the payment of lodging, transportation, registration fees, meals and fuel purchases. Credit card(s) issued from local stores to each Department Director must comply with internal procedures. All purchases made by use of a City credit card shall be verified by a receipt attached to a City purchase order and tendered to the City Secretary for billing payment.

Unauthorized and/or fraudulent use of a City of Mineola credit card shall result in discipline being assessed in accordance with existing City policy including employment termination and criminal prosecution.

Authorized signatories for City of Mineola credit cards shall include City Department Directors, Assistant City Department Directors, City Manager, City Secretary and the Mayor.

**Compliance.** Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

### 2.13 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

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The City encourages membership in various professional societies and pays the costs of dues and necessary and reasonable travel expense to meetings when determined to be in the City's best interest.

The City may elect to pay for all or a portion of an employee's professional memberships, subscriptions, and activities. Requests for payment (or reimbursement) of such expenses must be submitted on forms provided by the City and approved by the City Manager. Approval must be obtained in advance and will be based on such factors as available funds, the relationship of the membership and/or subscription to the employee's job duties and the number and/or cost of other memberships and subscriptions paid by the City for the employee.

### **2.14 PROBATIONARY EMPLOYEES**

With the exception of Department Directors, the City Secretary and the City Manager, all newly hired or rehired employees hired to fill a regular full-time position must satisfactorily complete a six-month probationary period (one year for certified Fire Fighters, Paramedics and Police Officers). The probationary period assists the City in maintaining an effective, productive and efficient work force to provide quality services to the citizens of Mineola. During an employee's probationary period, the employee has no appeal rights for any type of disciplinary action taken against the employee. Seasonal, temporary and part-time employees do not serve a probationary period and have no appeal rights. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as regular employees. If an employee successfully completes his/her probationary period he/she is still employed at the will of the City; the employee will, however, have full appeal rights as set forth in the City's Employee Appeals policy.

The probationary period may be extended if the employee's performance has been marginal and/or if the employee has missed a substantial amount of work time during the probationary period because of extenuating circumstances and if approved jointly by the Department Director and the City Manager. Employees are required to successfully complete their probationary period (and any extensions thereof) before they are eligible for transfer or promotion unless otherwise approved by the City Manager.

**Failure of Probation.** An employee will fail probation if, in the judgment of the Department Director, the employee's performance is unacceptable. An employee who fails probation will normally be terminated from City employment. Employees who are still in their initial probationary period are not entitled to



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progressive discipline and are not eligible to use the City's Employee Appeals Policy. Failure of probation can occur at any time within the probationary period. Department Directors are responsible for ensuring adequate documentation of all cases of failure of probation as well as counseling, training and other efforts to help employees during their probationary period.

### 2.15 RECRUITMENT PROCESS

**Vacancy Identification.** All recruitment activity will be initiated by the appropriate Department Director and coordinated by the Human Resource Director. Only those vacancies allocated in the annual budget or specifically authorized by the City Manager may be filled. Prior to filling any position, the Department Director will submit a notice of the position to the Human Resource Director for review. The notice must include the following:

- the position to be filled;
- job description and starting salary;
- educational, prior experience and any certification requirements;
- hours or shift to be worked;
- what the selection process will include; and
- where an application may be obtained and the deadline for submitting applications.

The recruitment method for Department Directors, City Secretary, Chief of Police and City Manager may be determined by the City Council on a case by case basis.

**Announcement of Vacancies.** Notices of job vacancies will normally be posted by the Human Resource Director and/or City Secretary for at least 10 days. Except for promotions from within, an employment vacancy will typically be advertised in at least one local newspaper. Job openings will be advertised in newspapers, local and area, trade journals and magazines, and professional journals when and where appropriate. Notices of job vacancies will be posted internally 3 days in advance of publication. Existing City employees will normally be given the first opportunity to apply for any job openings within the City. Preference may also be given to former employees with a favorable work and conduct record who were previously laid off from City employment because of lack of work, provided the employee meets all the other hiring requirements of the vacant position.

**Applications.** Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. City applications officially received in the normal prescribed manner will

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be considered. All information set forth on an application is subject to verification. Applications will not be considered after the closing of a position. Applications will normally be considered active until the vacancy is filled, unless the application is being retained as part of an eligibility list.

**Disqualification.** Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the position's duties;
- False statements or material omissions on the application form, on a resume and/or during the application process;
- Commits or attempts to commit a fraudulent act at any stage of the selection process;
- If they previously worked for the City and were terminated or resigned in lieu of termination because of unsatisfactory performance or conduct and/or violation of a City policy or procedure;
- If their employment will result in a violation of the City's Nepotism Policy;
- Is presently holding a public office of emolument, or conflicts with the City of Mineola;
- Failing any of the City's background and employment requirements, including but not limited to drug testing, driving record/license, reference checks, and any other checks required by the City or State law.
- Not legally permitted to work in the United States;
- Is unable to perform the essential functions of the job applied for with or without a reasonable accommodation;
- Any other reason deemed to be in the best interests of the City.

**Acceptance of Applications.** Applications for employment will be considered only when an employment vacancy notice is posted or when establishing an eligibility list. A Department Director may maintain an eligibility list for up to six (6) months if allowed by department policy.

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### 2.16 MEDICAL EXAMINATIONS/FITNESS FOR DUTY

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

**Conditional Employment.** In accordance with the Americans with Disabilities Act, the City may condition employment on an individual's providing certain medical history and/or successful completion of a medical examination. The City Manager, working with Department Directors, designates those positions requiring medical history and/or a physical examination.

**Medical Exams for Current Employees.** With the prior approval of the City Manager, a Department Director may require a current employee to successfully undergo a medical and/or psychological examination to determine fitness for continued employment, for promotion or for other personnel action; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act.

**Reasonable Accommodations.** The City will provide reasonable accommodations to disabled applicants and employees as required by law.

**Medical Records.** Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, and as necessary for insurance purposes.

### 2.17 BACKGROUND CHECKS

The City will perform background checks on applicants and employees to the extent necessary to determine their eligibility for employment or ongoing employment, as the case may be. Background checks may include, but are not necessarily limited to, driver's license checks, outstanding warrant checks, criminal history and credit reports. The City may also conduct periodic background checks on existing employees. Applicants and employees are required to give the City whatever authorization is necessary for the City to perform such checks.

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## SECTION 3 – WAGE AND SALARY POLICIES

### 3.1 EMPLOYEE COMPENSATION PLAN

Subject to approval by the City Council, each year the City Manager will prepare and administer a written compensation plan for all City employees. City employees will be paid salaries or wages in accordance with the compensation plan or as may be approved by the City Manager. In preparing the compensation plan, consideration will be given to prevailing rates of pay among public and private employers; the duties, responsibilities and qualifications required for the position; and other relevant factors.

### 3.2 PAY PERIODS/PAY DAYS/PAY METHODS

The City of Mineola does not issue paper checks. All employees of the City must complete a Payroll Authorization Form designating an account to utilize for direct deposit. For purposes of this policy, the term “paycheck” shall be defined as the electronic direct deposit sent to the employee’s bank account.

For pay purposes the work week begins on Monday at 12:00am and ends on Sunday at 11:59pm. The pay periods shall be bi-weekly with generally twenty-six pay periods per year. Each paycheck will include earnings for all work performed through the end of the payroll period.

The pay day is the first Friday following the end of the pay period. Employees are paid on a bi-weekly basis (every other Friday). If a regularly scheduled payday falls on a holiday, pay checks will be distributed on the preceding workday. When an employee is terminated or voluntarily resigns from employment, the employee is paid on the next regular payday.

No pay advances or loans will be made by the City to any employee for any reason.

### 3.3 GENERAL OVERTIME POLICY

When the City’s operating requirements or other needs cannot be met during regular working hours, employees may be required to work overtime. If schedules can be modified during the pay period to avoid overtime work, then overtime pay will not be necessary. Overtime compensation is paid to all nonexempt employees in accordance with Federal and State wage and hour requirements. In some cases, nonexempt employees may accrue compensatory time in lieu of being

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paid overtime compensation. (See Compensatory Time Policy below.) Exempt employees are not paid overtime compensation.

When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all nonexempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action, up to and including, termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

**Overtime Rate.** Overtime pay for nonexempt employees is at the rate of 1 ½ times the employee's regular hourly rate for hours actually worked in excess of 40 in a work week, except for certain Section 207 (k) employees (86 hours in the Police Department or over 106 in the Fire Department). Time off on authorized vacation leave, compensatory leave, paid holiday leave, and all other types of leave, whether paid or unpaid, including sick leave, Family and Medical Act Leave, jury duty leave, witness duty leave, or bereavement leave, is not considered time worked for purposes of performing overtime calculations.

**Work week.** The typical work week is a recurring seven-day period. The City's normal work week begins on Monday and ends on Sunday. However, the work week may vary from Department to Department, from division to division, or even within a division. Fire Department employees will work a fourteen day work period with each shift being twelve hours. This work period allows each Fire Department employee to work one hundred six hours before becoming eligible for overtime. Law Enforcement Officers will work a fourteen day work period with each shift being twelve hours. This work period allows each Law Enforcement Officer to work eighty-six hours before becoming eligible for overtime.

**Work Hours and Reporting Time Worked.** An employee's specific hours of work may vary depending on his or her position and department. Employees are expected to be at their workstations and ready to work at their scheduled start time. Occasionally, staffing needs and operational demands may necessitate variations in work schedules. Your supervisor will provide you with the starting and ending time for your specific schedule. Employees are expected to cooperate when asked to work overtime or a different schedule. It is the responsibility of each employee to certify the accuracy of all time recorded, including overtime. Your supervisor will review and approve the time record before submitting it for processing. If corrections or modifications need to be made to your time record, both you and your supervisor must verify the accuracy of the changes and approve the time record. Altering, falsifying, tampering with time records, or

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recording another employee in or out will likely result in immediate disciplinary action, up to and including termination of employment.

**Prior Authorization Required Before Working Overtime.** All nonexempt employees must receive their supervisor's and/or Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to the start of their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time card/sheet, the appropriate supervisor must also approve any overtime before the time card/sheet is submitted for processing and payment. Nonexempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including possible termination of employment.

Overtime is budgeted annually by the City Council. The City Manager must approve all overtime that exceeds a department's budgeted amount.

### **3.4 COMPENSATORY TIME FOR NONEXEMPT EMPLOYEES**

Under certain circumstances, nonexempt employees earn compensatory time off ("comp time") in lieu of overtime compensation.

**Maximum Accrual.** Comp time accrues at the rate of 1 ½ hours for each hour of overtime worked. Employees must have appropriate supervisory approval before working any overtime. (See General Overtime Policy above). Employees whose work regularly includes public safety (*i.e.*, law enforcement, fire fighters, EMS, and similar positions) may accrue up to a maximum of 480 hours of comp time (equal to 320 hours of work at time and ½), unless the City Manager or the Department Director has established a lesser cap (*e.g.*, 100 hours). All non-public safety employees may accrue up to a maximum of 240 hours of comp time, unless the City Manager or the Department Director has established a lesser cap. Once a nonexempt employee has reached his/her accrual cap, any overtime hours worked will be paid for in cash, rather than in comp time accrual.

**Use/Payment of Accrued Comp Time.** Employees requesting use of comp time will be allowed to take the comp time within a reasonable period after making the request. If use of requested comp time would be unduly disruptive, the Department Director or City Manager may elect to pay the employee in lieu of approving the requested time off. In fact, the City may, at any time, elect to pay an employee for any or all of the employee's accrued comp time. The City may

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also require employees to take time off in order to reduce their accrued comp time. Upon separation from employment with the City, employees will be paid for unused accrued comp time.

Employees who have worked for the City between 10 and 20 years may, with the City Manager's approval elect to be paid up to a maximum of 56 hours of vacation and/or comp time each year. With the City Manager's approval, an employee with 20 or more years with the City may elect to be paid up to a maximum of 80 hours of vacation and/or comp time each year. If an exempt employee expects to be paid for this time, it must be included in the department's annual budget.

### 3.5 COMPENSATORY TIME FOR EXEMPT EMPLOYEES

The City has no legal obligation to pay its exempt employees overtime or to provide them with "comp time." The City may, however, from time to time, give time off to exempt employees in recognition for a "job well done" that required the employee to put in a significant amount of time in excess of 40 hours in a work week. Equivalent time off on a straight time basis may be permitted, but only if the work schedule permits and such time is approved in advance by the City Manager and the employee's Department Director. Exempt employees who wish to be considered for comp time must account for all hours worked.

Employees who have worked for the City between 10 and 20 years may, with the City Manager's approval, elect to be paid up to a maximum of 56 hours of vacation and/or comp time each year. With the City Manager's approval, an employee with 20 or more years with the City may elect to be paid up to a maximum of 80 hours of vacation and/or comp time each year. Exempt employees will be paid for any remaining comp time balances earned thru April, 2015 upon termination. No comp time will be earned by exempt employees unless it is for an emergency or an event outside of their normal duties and approved by City Manager. (Effective February, 2016) **Comp time earned by exempt employees must be used within the same calendar year.** Exempt employees will not be paid for unused comp time.

### 3.6 PAYROLL DEDUCTIONS

In addition to their paycheck, employees will receive a statement showing gross pay, deductions and net pay. Some payroll deductions are required by law, e.g., Federal Income Tax withholding, Social Security (FICA), and court ordered child support. Employees may elect to have certain other deductions made from their pay (e.g., insurance premiums) if they authorize the deductions in writing.

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Deductions other than those specifically authorized by the City Manager are not permitted.

In the unlikely event that there is an error in the amount of a deduction, or any other payroll error, you should let your supervisor know as soon as possible. At the end of each calendar year, you will be given a Wage and Tax Statement Form (W-2). This statement summarizes your income and deductions for the year.

### **3.7 TIMEKEEPING**

Federal and State laws require the City to keep an accurate record of the time worked by all nonexempt employees. Accordingly, accurately recording time worked is the responsibility of every nonexempt employee. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees must accurately record the hours worked in a workday. Nonexempt employees may not begin working prior to their scheduled start time without prior approval from their supervisor. Overtime work must always be approved before it is performed.

It is the employee's responsibility to approve his or her time sheet each pay period to certify the accuracy of all time recorded. Your supervisor will review and then approve the time record before submitting it for payroll processing. If corrections or modifications need to be made to your time record, both you and your supervisor must verify the accuracy of the changes and approve the time record. Altering, falsifying, tampering with time records, or recording another employee in or out will likely result in immediate disciplinary action, up to and including termination of employment.

### **3.8 ON-CALL & CALL BACK**

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

**Return to work provisions.** After regularly scheduled working hours on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required.



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**Compensation.** Except as specifically provided below, on call status is considered time worked and is compensable even if the employee does not actually respond to a call back. On call employees will normally be paid at their regular rate of pay for actual hours worked and are guaranteed a minimum of two hours pay. Time worked immediately after an employee's regularly scheduled work hours will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. In all cases, employees must report their actual hours worked on their time sheets.

**Exempt Employees.** Certain exempt personnel may also be designated as on-call. Exempt employees are not entitled to extra compensation for on-call or call-back time.

**Departmental Policies.** Each Department shall establish internal procedures for handling emergency services which could require call back of all employees necessary to provide needed services. An employee is considered officially scheduled and designated as on-call only when approved by his/her supervisor in accordance with procedures established by his/her Department.

### **3.9 TEMPORARY ASSIGNMENT PAY**

The City may compensate employees who are temporarily assigned to serve and who actually perform the additional duties and responsibilities of a higher-level position when designated by the City Manager. Employees temporarily assigned to perform duties of a higher-level position for the purpose of learning the position or as on-the-job training, will not be compensated at a higher rate. Employees temporarily assigned to perform in the capacity of a Department Director or as the City Manager may do so at a rate of pay negotiated with the City Manager or City Council when applicable. A payroll status change form must be completed for all employees designated to serve in a Temporary Assignment position and approved by the appropriate departmental personnel and forwarded to the HR Director or the City Secretary for processing.

### **3.10 CERTIFICATION PAY**

This policy outlines the conditions under which a full-time employee may be compensated for certifications specified in this policy. This policy only applies to full-time personnel.

The City will pay the following to an employee who obtains and maintains the following certifications. This amount will be added to the employee's hourly rate to insure it is included in the regular rate of pay for overtime calculations.

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### Police & Fire

Intermediate	\$900/year
Advanced	\$900/year
Master	\$900/year
FTO (Field Training Officer)	\$450/year
Bilingual Pay (Spanish)	\$900/year
Intermediate (EMS)	\$900/year
Paramedic	\$900/year

In addition to the above certifications for police and fire, the city will pay certification pay of \$900 per year to full-time employees who obtain certifications above and beyond what's required for their jobs, as long as it is beneficial to the city and their department. These additional certifications must be approved by the Department Director and the City Manager, including but not limited to bilingual pay, court certifications, and certain water, wastewater and public works licenses and certificates.

**Procedure.** It is the employee's responsibility to submit a copy of the certification showing date earned to the Department Director and to Human Resources. The Department Director must submit a personnel action form (PA) and a copy of the certification received to the City Manager for approval. The amount and type of certification must be written on the PA form. Certification pay will begin the following payroll from the date that the Human Resource Department receives the approved PA form but not before the date of certification. The City will not pay retro-pay certification pay to the date the certification was received by the employee. If an employee does not maintain certification, he or she will no longer be eligible for certification pay. An employee must immediately notify the Department Director if their certification expires, is cancelled, or is not renewed.

# CITY OF MINEOLA EMPLOYEE HANDBOOK

## SECTION 4 – OPERATING HOURS AND ATTENDANCE

### 4.1 REGULAR HOURS

Nonexempt employees of the City, except for Fire Department and Police Department personnel, normally work 40 hours in a seven-day work week. Exempt employees may be required to work in excess of 40 hours in certain weeks. The work week begins on Monday at 12:00am, and ends on Sunday at 11:59pm. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. For example, most non-exempt Fire Department personnel work a 12-hour shift based on a 14 day (84 hour) work cycle. Most non-exempt Police Department personnel work a 14 day (86 hour) work cycle. In times of disaster or emergency, working hours shall be determined by the City Manager. Employees are expected to be at their work stations and ready to work at their scheduled start time.

### 4.2 ADJUSTMENT TO WORK HOURS

In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Your acceptance of work with the City is your agreement that this will not create an undue hardship on you or your family and that you will be available to do such work.

### 4.3 MEAL PERIODS AND BREAKS

Full-time employees (excluding most Police and Fire Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by Department Directors in order to minimize departmental interruption. Your supervisor will provide you with the starting and ending time for your specific meal period. Employees will be relieved from work responsibilities during unpaid meal breaks. Nonexempt employees must record the beginning and ending times of their meal break. Employees may not extend meal breaks beyond their assigned period.

### 4.4 ATTENDANCE RECORDS

Employees are expected to be at their work stations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day. All departments will maintain a record of each

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employee's attendance and forward such records on a regular basis to the HR Director or City Secretary.

### **4.5 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment.

In the rare instance when you cannot avoid being late to work or are unable to work as scheduled, you must personally notify your Department Director (or designee) as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. You must disclose to your Department Director (or designee) whether the reason for the absence or tardiness is approved Family Medical Leave or sick leave and the date/time of your anticipated arrival. For absences of a day or more you must personally notify your Department Director (or designee) on each day of your absence unless he/she expressly waives this requirement.

In most instances, an employee who fails to properly notify his or her supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of a day or more may be presumed to have voluntarily resigned his or her employment.

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## SECTION 5 – EMPLOYEE BENEFITS

### 5.1 EMPLOYEE BENEFITS - OVERVIEW

Eligible City employees are provided a wide range of benefits. Benefit eligibility is dependent upon a variety of factors, including employee classification and length of service. (An employee's anniversary date may, for purposes of benefit eligibility and accrual, be changed to account for any extended absence from work.) Generally, however, regular full-time employees are eligible for most benefits. Part-time and temporary employees are generally not eligible for most City benefits. Your supervisor or Department Director can tell you the benefits you are eligible for.

#### A. EMPLOYEE BENEFITS/TIME AWAY FROM WORK

### 5.2 PAID VACATION LEAVE

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Any city employee working for more than one city department shall be compensated and accrue/use benefits in the same manner as other city employees. To this end, all such employees shall be prohibited from accruing/using vacation and any other applicable leave in any manner that is inconsistent with the City's policies as applied to all employees.

Regular full-time employees will accrue vacation leave on a monthly basis. Vacation leave accrues at the end of the first full month of employment at a rate of eight (8) hours, [twelve (12) hours for Fire Department and Police Department shift employees] for each full month worked in a calendar year. After ten (10) years of employment, employees shall earn twelve (12) hours [eighteen (18) hours for Fire and Police Department shift employees] for each full month worked in a calendar year. After twenty (20) years of employment, employees shall earn fifteen (15) hours [twenty-two and a half (22.5) hours for Fire and Police Department shift employees] for each full month worked in a calendar year. An employee may not use any accrued vacation leave until successfully completing twelve months of employment. All regular full-time employees who terminate prior to twelve months will forfeit any accrued vacation hours.

An employee's length of service may be adjusted for significant leave of absence except military leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances.

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Department Directors are authorized to allow an employee to be paid for vacation time over 40 hours in an emergency situation, because of scheduling conflicts etc.

**Scheduling Annual Vacation Leave.** Department Directors are responsible for scheduling annual vacation leave for employees under their authority. (Department Director vacations require City Manager approval.) Whenever possible, vacation leave will be scheduled at the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. All full time administrative staff and Department Directors, after one year of service, must take a minimum of five consecutive work days of time off away from the City annually. This does not apply to the Chief of Police, Fire Marshall and Code Enforcement Officer. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation.

**Compensation For Leave Time.** Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as longevity pay. Vacation time will be paid only for time that the employee would ordinarily have worked. Upon termination of employment, employees in good standing having accrued but unused vacation leave will be paid for that vacation time at their hourly rate at the time of termination. Employees who have worked for the City between 10 and 20 years may, with the City Manager's approval, elect to be paid up to a maximum of 56 hours of vacation and/or comp time each year. With the City Manager's approval, an employee with 20 or more years with the City may elect to be paid up to a maximum of 80 hours of vacation and/or comp time each year. Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave up to the maximum accrual rate listed in the policy.

### **Maximum Accruals:**

Employees are encouraged to use their vacation leave during the calendar year earned. However, employees may accrue up to 240 hours of vacation leave (360 for Fire and Police Department shift employees). All hours in excess of the maximum allowed are lost on the first day of January each year. Employees will not be paid for vacation in excess of the maximum accrual for vacation that is "lost" on the first of January. If the needs of the City and/or Department preclude

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the taking of a scheduled vacation, the City Manager may defer an employee's scheduled vacation leave. In such cases, the City Manager shall grant the employee's deferred vacation leave within thirty (30) days. All vacation carryover granted by the City Manager must be forwarded to payroll before December 31<sup>st</sup> of each year.

Employees who are on approved FMLA leave will continue to accrue vacation leave during the paid leave portion of their absence. Vacation leave will not be accrued if an employee is out on any unpaid leave or for any other leave that exceeds thirty (30) days.

**Use of Leave Time.** For each vacation hour used, one hour will be deducted from the employee's accrued vacation time. Paid vacation leave is not considered time worked for purposes of performing overtime calculations. New employees are not eligible to take vacation time until they have completed twelve-months of service; vacation leave is forfeited if employment is terminated before an employee completes twelve-months of service. Employees may not "borrow" unearned vacation time.

### 5.3 HOLIDAYS

It is the City's policy to permit as many employees as possible to enjoy a day off without loss of pay on holidays. However, any or all employees may be required to work on a holiday.

**Official Holidays.** The City usually observes the holidays listed below. When a holiday falls on a Saturday or Sunday, the holiday will normally be observed by the City on the day designated by the Federal government (i.e., the Friday before or the Monday following).

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Day (December 25)
- The day before or after Christmas day
- Floating Holiday (see below)

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**Holidays During Time Off.** Employees taking vacation that includes an authorized holiday during their paid time off will be paid for the holiday without that day being charged against the employee's paid vacation time.

**Rate of Pay.** A holiday is an eight hour period (12 hour for shift Fire and Police), paid at the employee's regular rate. If an employee is required to work on an official holiday the employee will be paid time worked plus holiday pay at time and a half for any time worked on the holiday, or will be given an alternate day off with pay at time and a half. When a holiday and regular day off occur on the same day, employees who are scheduled off duty on that day will be entitled to additional pay or another day off. If working on a holiday causes an employee to work overtime for that work week or work cycle, the employee will not be paid both the holiday rate and the overtime rate for the holiday. On-call time on holidays will be paid in accordance with the City's On Call and Call Back Policy.

**Eligibility.** Only regular full-time employees are eligible for paid holidays. To be eligible for holiday pay, nonexempt employees must work their regular schedule immediately before and after the holiday, unless otherwise approved by their Department Director. Employees on a leave of absence without pay the work day before or after a holiday are ineligible for holiday pay.

**Overtime Calculations.** Paid time off for holidays is not counted as hours worked for purposes of determining overtime.

**Non-Scheduled Religious Holidays.** Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, time off for such absences may be taken as vacation, compensatory time, or an excused absence without pay.

**FMLA Leave.** If a holiday falls within a period of FMLA leave for an employee, the day is still counted as part of the employee's total FMLA leave.

**Floating Holidays.** In addition to the normal city holidays, eligible employees will earn an additional 8 hour Floating Holiday per year (12 hour for shift Fire and Police). Eligible employees must schedule this holiday within the calendar year, and is subject to supervisor approval and department staffing needs. Eligible employees must request this holiday at least 30 days in advance of desired time off. This holiday cannot be carried over to the following calendar year and is not payable at termination or separation from the city.



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### 5.4 SICK LEAVE

Sick leave is paid time away from work because of an employee's illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work because of illness or injury or other situation covered by this policy must immediately notify their Department Director (or designee), but not later than 1 hour after they are scheduled to report to work.

**Eligibility.** Only regular full-time employees are eligible for paid sick leave. Part-time, temporary and seasonal employees are ineligible for sick leave.

**Accrual Rate.** Eligible employees accrue sick leave on a monthly basis. Sick leave accrues at the end of the first full month of employment at a rate of eight (8) hours, [twelve (12) hours for Fire and Police Department shift employees] for each full month worked in a calendar year. The maximum sick leave time which may be accumulated by any employee shall be ninety-six (96) hours per calendar year [one hundred forty four (144) for Fire and Police Department shift employees]; maximum cumulative sick leave accrual is 960 hours or 1,440 for Fire and Police Department shift employees.

**Authorized Use of Sick Leave.** Accrued sick leave may be used for absences because of the employee's personal illness, accident, or injury, or absences when the employee is needed to care for a member of his or her immediate family who is ill. For purposes of this policy, "immediate family" is defined as: current spouse, child, or parent. Sick leave may also be used by employees for doctor and dentist appointments.

Sick leave must normally be taken in minimum increments of one (1) hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

Use of sick leave is subject to the City's Long Term Absence/Termination Policy which provides that any employee who is absent from work for more than twelve months, for whatever reason, will be terminated.

**Failure to Report Absence/Abuse of Sick Leave.** Abuse of sick leave, including use of sick leave for anything other than as provided for in this policy, will likely result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness because of illness or injury may be disqualified from using sick leave for their absence.

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**Use of Other Leave.** If approved by the Department Director (and in the case of Department Directors, by the City Manager), accrued vacation leave, compensatory time off, other accrued paid leave, or leave of absence without pay may be used if an employee has no accrued sick leave time.

Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a holiday under the City's Holiday Policy. An employee who qualifies for use of sick leave during a scheduled vacation leave may be permitted to use sick leave instead of vacation leave for a qualifying absence. In such an instance, the employee must notify his or her supervisor immediately rather than waiting until the employee returns to work. Supporting documentation will likely be required in such cases.

**Documentation.** Supervisors closely monitor use of sick leave. An employee shall be required to present a doctor's note whenever he/she uses sick leave for three or more consecutive work days, and at any other time he/she requests use of paid sick leave if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness if the employee wishes to use accrued sick leave to care for a sick family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave will likely result in discipline, up to and including termination of employment.

**Family and Medical Leave.** Any absence that qualifies for both Family and Medical Leave and sick leave will follow the guidelines set out in this policy and will typically be counted as both.

**Payment for Unused Sick Leave.** Employees are not paid for unused sick leave.

**Leave for Personal Reasons.** An employee may use up to three days of accrued sick leave each calendar year as "leave for personal reasons." The purpose of this leave is to allow employees to attend to personal matters that may only be handled during their regular work hours. Leave for personal reasons must be approved in advance by the employee's supervisor. No more than one day may be used at a time without the prior approval of the employee's supervisor and the City Manager. Leave for personal reasons may not be used in conjunction with vacation leave or the weekend preceding or following vacation leave. Employees are not paid for unused leave for personal reasons.

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**Other Employment During Sick Leave.** Employees on sick leave may not work a second job even if they have written authorization from their Department Director and the City Manager to work a second job. Employees must have a specific, written authorization from the City Manager to work another job while on sick leave from the City.

### **5.4.5 SICK LEAVE POOL**

This policy applies to all regular full-time employees for the City that have been employed by the City for one year or longer. The City of Mineola Sick Leave Pool provides a benefit to eligible employees who have exhausted accrued vacation and sick leave by virtue of a catastrophic injury or illness of their own or that of an immediate family member. The Sick Leave Pool will be administered by the Human Resources Department of the City.

**Eligibility for Participation in the Sick Leave Pool.** All full-time regular employees who have been employed by the City for one year or longer are eligible to participate in the Sick Leave Pool. Employees who are out on leave due to a work-related injury and who are receiving worker's compensation benefits and those who are on disability leave for any reason and receiving disability benefits may not withdraw leave from the Sick Leave Pool if the combination of sick leave and benefits (workers' compensation or disability exceeds the employee's pre-injury or pre-illness compensation.

**Contributions to the Sick Leave Pool.** Contributions to the Sick Leave Pool may be made at any time on a strictly voluntary basis. Eligible employees desiring to donate time to the Sick Leave Pool must fill out a Contribution Form indicating the amount of sick leave to be donated. All donations to the Sick Leave Pool must be in increments of 8 hours or more and may not exceed eighty hours (80). Once a Contribution Form is received by the Human Resource department, the number of days donated will be credited to the Sick Leave Pool and deducted from the accrued sick leave of the employee making the contribution. Contributions to the Sick Leave Pool may not be earmarked for the benefit of a particular employee.

**Withdrawals from the Sick Leave Pool.** An employee may obtain leave from the Sick Leave Pool if the employee or an employee's immediate family member has experienced a catastrophic injury or illness resulting in the exhaustion of all of the employee's accrued vacation, comp time and sick leave. An employee requesting leave from the Sick Leave Pool must fill out a Sick Leave Pool Withdrawal Request Form indicating the need for the leave. In the event the employee has not previously provided the City with a Medical Certification supporting catastrophic injury or illness underlying the need for the leave, such a

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Medical Certification must be submitted with the Sick Leave Pool Request Form. All medical information obtained pursuant to this policy will be maintained as confidential information by the City to the extent allowed by law. A determination that an employee or an employee's immediate family member has a catastrophic injury or illness under the Sick Leave Pool Policy does not mean that the employee or employee's immediate family member has a "serious health condition" under the FMLA or a "disability" under the ADA.

An employee may not withdraw an amount of sick leave that exceeds ninety (90) days. Employees who have contributed leave to the Sick Leave Pool may not withdraw donated time unless they become eligible to withdraw leave from the Sick Leave Pool pursuant to this Policy and are approved to withdraw time. Employees are limited to one withdrawal request per calendar year.

Employees do not accrue any form of paid leave while using leave from the Sick Leave Pool. An employee who is out on leave from the Sick Leave Pool will be treated in all respects as an employee who is out on regular sick leave. Requests for withdrawal of leave time from the Sick Leave Pool should be submitted as soon as the need for such leave is realized by the employee. Request for withdrawal of leave are handled by the Human Recourse Director and/or the City Secretary on a first come, first serve basis, and subject to final approval by the City Manager. If an employee returns to work without having used all of the leave time obtained from the Sick Leave Pool, all unused leave time must be returned to the Sick Leave Pool. The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the Sick Leave Pool.

### **Definitions:**

- A "catastrophic illness or injury" is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee, or a member of the employee's immediate family, that requires the services of a licensed physician for a prolonged period of time and that forces the employee to exhaust all accrued leave. A severe condition or combinations of conditions is one that:
  - Will result in the death or is a severely debilitating condition that will result in the individual not meeting the essential functions of their job if not treated and promptly or at regularly scheduled intervals (e.g. chemotherapy treatments, radiation treatments, etc.);
  - Has been designated as terminal; or
  - Fully incapacitates the employee from working for a continuous period of thirty (30) calendar days or more.
- "Immediate Family Member" means parent, child, or spouse of the employee and includes step-parents and step-children as well as foster

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children certified by the Texas Department of Child Protective and Regulatory Services.

### **5.5 BEREAVEMENT LEAVE**

Up to three days of paid leave may be provided to regular full-time employees to allow the employee to attend the funeral and make any necessary arrangements associated with the death of an immediate family member. For purposes of this policy, the City defines "immediate family" as the employee's current spouse, parent, child, child's spouse, sibling, grandparents, grandchildren, or anyone with the same relationship to the employee's current spouse.

An employee who wishes to take bereavement leave must notify his or her supervisor immediately. Employees may, with their supervisor's approval, use any available paid vacation leave, leave for personal reasons and/or compensatory time for additional time off as necessary; exempt employees who do not have any available paid leave time will not be "docked" for any partial days' absence under this policy, but may be required to make up the missed time at a later date.

The City may require proof of death/funeral in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation such as longevity pay. Paid time off for bereavement leave is counted as hours worked for purposes of determining overtime.

### **5.6 JURY DUTY LEAVE**

The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Accordingly, regular full-time employees will be paid their normal earnings for time spent serving on a jury. Paid time off for jury duty is not counted as hours worked for purposes of determining overtime.

Employees should attempt to keep up with their job responsibilities during jury duty. To be eligible for paid jury leave, employees must show their jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate their absence. The employee may keep any jury fees paid for jury duty. Employees are expected to report to work whenever the court's schedule permits.

### **5.7 WITNESS DUTY LEAVE**

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The City encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the City, they will receive paid time off for the entire period of witness duty. (Note: This policy does not apply to testimony by police officers and firefighters who are required to testify in court as part of their job duties.)

All employees will be granted paid time off to appear in court as a witness when requested by a party other than the City. Nonexempt employees may use any available paid vacation, personal leave or compensatory leave for this absence; if the nonexempt employee has no available vacation, personal leave or compensatory time, any time off for witness duty will be unpaid. An exempt employee who misses time away from work to appear as a witness for someone other than the City must use vacation, personal leave, or compensatory time during the absence. If an exempt employee has no available paid leave time, he or she will be required to make up the missed time at a later date.

A subpoena for witness duty must be shown to the employee's supervisor immediately after it is received so that employee staffing can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court's schedule permits.

### **5.8 MILITARY LEAVE**

The City complies with all State and national laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. The City supports its employees and their service in State and national military units and provides them with a number of military leave benefits. However, temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy.

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

**Notice to City of Need for Leave.** Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Unless unusual circumstances exist, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid

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military leave, employees must complete and submit the necessary documentation, including the official documents setting forth the purpose of the leave and, if known, its duration. This documentation must be turned in to your Department Director and the Human Resource Director as far in advance of the leave as possible.

### **Paid Leave for Training and Duty.**

**Full Pay For Up to 15 Days.** Regular full-time and regular part-time employees will be paid for military absences of up to 15 work days per calendar year (January 1 through December 31). For purposes of calculating paid leave time, the City may temporarily transfer shift employees to a 40-hour, 7 day work-week schedule. This leave may be used when an employee is engaged in National Guard or U.S. Armed Forces Reserves training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

**Other Paid Leave.** Employees who are not eligible for paid military leave or who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, personal leave and comp time to cover their absence from work).

**Unpaid Leave.** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay for up to 5 years.

**Benefits.** The City will continue to provide employees on paid military leave with most City benefits.

**Medical.** While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 18 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/her and eligible dependents. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the City's group health plan.

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

**Other Benefits.** While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she were continuously employed for purposes of determining benefits based on length of service, such as vacation accrual.

**TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees may earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. Employees should contact the Human Resource Director or the City Secretary for more information on TMRS service and monetary credits.

### **Returning from Leave.**

**Reemployment Rights.** In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they had at the time they left on leave.

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



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- For service of less than 31 days, employees have 8 hours following their return home from service to report for their next scheduled work period.
- For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

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

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

**Rights to Continued Employment.** Employees who serve in the military for more than 6 months will not be discharged by the City without cause for 1 year following the date of their reemployment. Employees who serve for between 1 and 6 months will not be discharged without cause for 6 months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under Federal law from discharge without cause.

**Changed Circumstances.** If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

The above is a summary of employees' military leave and other rights. If there are conflicts between this policy and applicable law, the applicable law will apply and this policy will be applied accordingly.

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### 5.9 AUTHORIZED LEAVE WITHOUT PAY

In extraordinary circumstances not falling within other leave policies, the City may grant a regular full-time employee leave without pay. A Department Director may approve a leave without pay for up to five work days. A leave of absence in excess of five days may only be approved by the City Manager, upon the recommendation of the appropriate Department Director. Factors considered by the City in granting leave include the reason for the leave, departmental work requirements, the employee's work performance and disciplinary history, the needs of the City and other factors. Leaves of absence without pay will only be authorized for good cause, as determined by the City. Employees will normally be required to have exhausted all of their vacation time, comp time, and personal leave time before a leave without pay will be authorized. A leave of absence without pay will normally be granted for a minimum period of five workdays or shifts up to a maximum period of 30 days. The employee may seek extensions of leave up to a maximum of 6 months. This policy will be administered consistent with the City's obligations under the Americans with Disabilities Act, including considering extending leave as a reasonable accommodation.

**Documentation.** Requests for a leave without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director. All requests must specify the number of days requested. The need for a medical leave of absence must be supported by documentation acceptable to the City and the employee must have exhausted all available sick leave. Before returning to work from a medical leave of absence, the employee may be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties.

**Other Employment During Leave.** Under no circumstances may an employee on an authorized leave without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the City Manager.

**Anniversary Date.** An employee's anniversary date may, for purposes of annual performance evaluations and benefit eligibility and accrual, be changed to account for an extended absence from work.

**Reinstatement.** Employees returning from a leave of absence will be reinstated to their same position or one of similar pay and status provided the City's circumstances have not changed to the extent that it would be impossible or

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unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved leave of absence will be considered to have voluntarily resigned his or her employment with the City.

**Payment of Insurance Premiums.** Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will **not** be paid by the City beginning the first day of the month following the starting date of a leave of absence. (Note: The City will continue to pay its portion, if any, of group health insurance premiums for any Family and Medical Leave Act qualifying leave). Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a leave of absence. An employee's failure to pay either his or her, or the City's portion, of insurance premiums during a leave of absence may result in cancellation of coverage.

**Benefits.** All leaves of absence are unpaid, and vacation, sick leave, holiday pay and other benefits do not accrue during an unpaid leave of absence.

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

**Revocation.** The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of authorized leave or failure to provide required medical status reports, physician's statement, or to contact the City periodically as required, will likely result in revocation of the leave of absence and/or disciplinary action up to and including dismissal.

### **5.10 FAMILY AND MEDICAL LEAVE ACT**

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave each year for specified family and medical reasons.

**FMLA Leave Runs Concurrently With Other Types of Leave** - If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave. If the employee has no sick time, or once all accrued sick time has been used, all unused vacation, personal and/or compensatory leave will be

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used and will run concurrently with any remaining FMLA leave. If the employee is eligible for short-term or long-term disability, it too must be used concurrently with any available FMLA leave. FMLA leave will also run concurrently with any time off from work covered by workers' compensation.

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

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

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

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

To determine eligibility for leave, the City uses a calendar year.

**Serious Health Condition** - For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- **inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with such inpatient care;
- **continuing treatment** by a health care provider which includes one or more of the following:
- a period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment: (i) two or more times by, or under the direct supervision of, under orders of, or on referral by, a health care provider, or (ii) by a health care provider on at least one occasion which results in a

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regimen of continuing treatment under the supervision of the health care provider;

- any period of incapacity because of pregnancy, or for prenatal care;
- any period of incapacity or treatment for such incapacity because of a chronic serious health condition which (i) requires periodic visits for treatment by, or under the direct supervision of, a health care provider, or (ii) continues over an extended period of time (including recurring episodes of a single underlying condition; and (iii) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);
- a period of incapacity which is permanent or long-term because of a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease);
- any period of absence to receive multiple treatments (including any period of recovery therefrom) by, or under the supervision of, under orders of, or on referral by, a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. In addition, routine physicals, eye examinations, and dental examinations are not considered treatment.

**Employee's Notice Requirements** - In order for the City to accommodate an employee's workload during his or her absence, employees seeking to take FMLA leave must provide their Department Director with at least 30 days advance notice when the leave is foreseeable. If the leave is not foreseeable, employees are expected to provide their Department Director with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.

All supervisors must immediately notify their Department Director and/or the Human Resource Director if they have reason to believe an employee's absence is because of an FMLA-covered reason. (Note: Under the FMLA, an employee

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requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies as FMLA leave, the employee, will likely have met the FMLA's notice requirements).

**Medical Certification and Other Required Documentation** - Employees must provide the City with a medical certification supporting the need for FMLA leave because of a serious health condition affecting the employee or the employee's spouse, child or parent. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave.

Employees must also provide periodic reports during FMLA leave as to their status and intent to return to work, and may be required to submit a "fitness-for-duty" certification before the employee can return to work. In some cases the City may require a second or third medical opinion (at the City's expense) and periodic recertifications of the serious health condition, and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

**Intermittent Leave** - Eligible employees may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by their Department Director. In such cases, the City may temporarily transfer the employee to an available alternative position (with equivalent pay and benefits) in order to better accommodate repeated periods of absence.

**Benefits During FMLA Leave** - During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on FMLA leave. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return because of a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, and seniority will

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not be affected. However, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

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

**Job Restoration After FMLA Leave** - Upon return from FMLA leave, an employee will be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions. Under certain circumstances, however, the City is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

**Leave Because of Birth/Adoption** - FMLA leave for the birth of a child, adoption or placement in foster care with the employee must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition.

**Other Employment** - Under no circumstances may an employee on FMLA leave work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the City Manager.

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

**Other Provisions** - The FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law which provides greater family or medical leave rights.

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This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If you would like additional information on the FMLA, please contact your supervisor. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA. In addition, employees may contact the nearest office of the U.S. Department of Labor's Wage & Hour Division for more information.

### 5.11 SCHOOL ACTIVITIES LEAVE

Regular full-time employees may take up to 8 hours of paid leave each calendar year to participate in or volunteer for school activities. Employees are not paid for unused school activities leave and it may not be carried over from year to year.

### 5.12 SPECIAL LEAVE

Special leave, with pay may be granted to employees to follow a course of study related to their career with the City or to attend professional conferences and meetings, or to visit other cities in the interest of the City when approved in advance by the City Manager.

## B. EMPLOYEE BENEFITS/INSURANCE

### 5.13 ON-THE-JOB INJURIES/WORKERS' COMPENSATION BENEFITS—

**Coverage.** The City provides workers' compensation insurance coverage to eligible City employees. Workers' compensation coverage provides for medical expenses and partial compensation to employees injured on the job. The cost of such coverage is paid by the City and covers most injuries sustained on the job. Neither the City nor its workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City. Such injuries, however, may be covered under your personal medical insurance plan.

**Report of Accidents and Injuries.** All employees must comply with the initial reporting requirements set forth in the City's Safety Policy. All employees must report the on-job injury to their immediate supervisor within 24 hours of the occurrence or at the beginning of the next work shift and if medical treatment was received. Supervisors, in turn, must immediately notify the Human Resource Director or City Secretary and complete the TWCC-1 form and have it delivered to the Human Resource Director within 24 hours of the time and date of the



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incident. Thereafter, an employee on Worker's Comp leave must report to the City on a weekly basis, or as otherwise directed by the Department Director. An employee must immediately notify the City when released to return to work and provide the City with a doctor's release.

**Filing Claims.** All workers' compensation claims must be filed with the Human Resource Director through appropriate supervisory channels.

**Salary Continuation Benefits.** In cases of legitimate on-the-job injuries or illnesses covered by workers' compensation, salary continuation may be authorized by the City, for up to 60 days, for regular full-time employees.

Where salary continuation payments are authorized by the City Manager, the employee will be paid their full pay due from the City. Amounts the employee receives from the City's workers' compensation provider are to be reimbursed to the city. Temporary, part-time, seasonal and full-time employees who have not completed their initial probationary employment period or are on a disciplinary probation are ineligible for salary continuation benefits.

Salary continuation benefits will not be provided under the following circumstances:

- Injury/illness is caused by the employee's failure to use safety devices provided by the City.
- Injury/illness results from the employee's intoxication or the influence of alcohol or a controlled substance.
- The employee failed to follow the City's requirements for reporting work-related injuries/illnesses.
- The employee violated a City and/or departmental policy, including failure to timely report a work-related injury or illness to the appropriate City supervisor.
- The employee is still in his/her initial probationary status.
- Accident or injury is attributed to horseplay, failure to follow City and/or departmental safety practices or policies, carelessness or failure to report in a timely manner.

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- The employee refuses to submit to post-accident drug and/or alcohol testing or tests positive for such substances.

Salary continuation benefits are forfeited and subject to repayment back to the City if the employee:

- Fails to keep medical appointments, does not timely communicate with the City as required and/or does not follow guidelines provided by the City.
- Is found to have falsified or misrepresented his/her medical condition, physical capacity or disability.
- Is found to be volunteering or working secondary employment even if previously approved by the City (including both self-employment and outside employment) without notification and approval in writing, in advance, by the City Manager.
- Resigns or is discharged for any reason or retires or dies while receiving salary continuation benefits.
- Fails or refuses to comply with, or follow, or disregards and/or violates the treating physician's instructions regarding treatment of the on-the-job injury/illness.
- Refuses to perform light or part-time duty if authorized by the treating physician and offered by the City.
- Is not immediately available by phone to City management and/or the employee's department during the employee's normal work hours.
- The employee does not timely report back to work after being released by the treating physician.

**Light Duty.** Light duty assignments for employees with a disability, illness or medical condition which makes them unable to perform their regular job duties are made at the sole discretion of the City. The City may terminate a light duty assignment at any time. While a genuine effort will be made to locate light duty assignments for employees, the City reserves the right to require an employee to be medically released (i.e., able to perform his/her essential job functions with or without a reasonable accommodation) before returning to active duty.

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Light duty assignments are coordinated by the Human Resource Director and approved by the City Manager. Light duty assignments may be in the employee's own department, or in another department, depending upon the employee's circumstances and needs of the City. Employees with an on-the-job injury or illness will be given priority over other employees in the assignment of light duty jobs.

Employees on FMLA leave may have the option, but will not be required, to perform a light duty assignment. If the employee refuses a light duty assignment, it will not affect the employee's entitlement to FMLA leave, but will render the employee ineligible for workers' compensation salary continuation benefits.

Every effort will normally be made to return injured employees to the workplace as soon as medically released. The Human Resource Director will coordinate the employee's return to work with the employee's department director. In the event there is no suitable work available in the employee's department, the employee may be assigned to another department in the City. While a genuine effort will normally be made to locate light duty assignment for employees out on workers' compensation leave who are released in that capacity, the City may require an employee to be medically released (i.e., able to perform his/her essential job functions with or without a reasonable accommodation) before returning to active duty. All requests for accommodation and/or light duty will be reviewed and coordinated by the City Secretary with the appropriate department.

**Use of Accrued Leave to Supplement Compensation Benefits.** Employees who do not qualify for salary continuation benefits may use any available paid leave time to supplement their worker's compensation salary benefits. Paid accrued leave time will be applied in the following order: sick leave, comp time, vacation.

**Maximum Paid Benefits.** Under no circumstances will an employee on workers' compensation leave receive more paid benefits (e.g., workers' compensation salary benefits, City salary continuation benefits, disability insurance benefits, or paid leave time) than the amount the employee would receive in base salary/wages (excluding overtime, shift differential, or any other type of extra compensation) if the employee was not injured and able to return to work.

**TMRS.** Employee contributions to TMRS made on the basis of temporary income benefits received through workers' compensation may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the Human Resource Director and completing the necessary paperwork.

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**Extended Absence.** An employee's anniversary date may, for purposes of annual performance evaluations and benefit eligibility and accrual, be changed to account for any extended absence from work. An employee who is unable to return to work at the end of twelve months, for whatever reason, will be terminated.

### **5.14 GROUP INSURANCE BENEFITS**

The City presently provides group medical, life and certain other insurance coverage to eligible employees. The nature and extent of coverage, as well as eligibility, is subject to change. Please see the Human Resource Director for details.

### **5.15 UNEMPLOYMENT INSURANCE BENEFITS**

The program provides weekly benefits if you become unemployed through no fault of your own or because of circumstances described in the law.

## **C. EMPLOYEE BENEFITS/RETIREMENT**

### **5.16 TEXAS MUNICIPAL RETIREMENT SYSTEM**

The City participates in the Texas Municipal Retirement System (TMRS) to provide retirement benefits for employees. Full-time employees are eligible for participation immediately upon employment. Regular part-time employees who work at least 1,000 hours or more per year must participate in TMRS. Temporary employees are not eligible for participation in TMRS.

Employees who terminate employment or retire from the City prior to establishing the mandatory number of contributing years to TMRS may be refunded their contributions to date, plus any accrued interest subject to TMRS' policies and regulations. If an employee transfers to another city with TMRS benefits, he or she is eligible to have his or her contribution transferred to that city subject to TMRS' policies and regulations.

The above information is a summary only and is subject to change. Additional information is provided in the TMRS handbook, available from the Human Resource Department.

### **5.17 DEFERRED COMPENSATION 457 PLAN**

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Eligible employees have the option to contribute to the City's 457 deferred compensation plan through payroll deduction. Additional information on this benefit may be obtained from the Human Resource Department.

### **5.18 SOCIAL SECURITY**

All employees are covered by the Federal Social Security Act. A required percentage of your salary is deducted from your paycheck to pay the employee's portion of this protection, and the City matches your deduction dollar for dollar. The plan is designed for your future security and that of your dependents and provides for retirement, disability, death, survivor and Medicare benefits.

## **D. EMPLOYEE BENEFITS/MISCELLANEOUS**

### **5.19 LONGEVITY COMPENSATION**

The City pays regular full-time employees longevity pay, at the rate of \$4.00 per month for each full month or portion of a month of full-time employment, up to a maximum of 300 months. Regular full-time employees become eligible for longevity pay commencing with their second full year of employment. Longevity pay is normally paid in a lump sum on or about the last week of November of each year.

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## **SECTION 6 – PROMOTION, TRANSFER, DEMOTION AND REHIRING**

### **6.1 PROMOTION FROM WITHIN**

It is the City's policy to promote from within whenever management believes a current employee has the requisite skill and ability to perform effectively in a vacant position. The City may, however, in its sole discretion, elect to look outside the City to fill a particular position without considering current employees. If you desire a change of position in your department or in another department, you should discuss the matter with your Department Director.

### **6.2 TRANSFERS**

Under certain circumstances, non-promotional reassignments may be approved if determined by management to be in the best interests of the City and/or the employee. Transfers may be initiated by either the employee or the City and normally occur in response to the business needs of the City and/or other extenuating circumstances. Transfers are usually reassignments from one position to another of comparable duties and salary.

### **6.3 DEMOTION**

An employee may be demoted from a position in one classification range to a position of another classification range. A demotion may result from an unfavorable performance evaluation, a transfer, or as a result of a disciplinary action. All demotions must be approved in advance by the City Manager.

### **6.4 REHIRES**

Employees who resign after giving the City a two-week notice and who had a satisfactory performance and disciplinary record will typically be eligible for rehire by the City. The former employee must, however, meet all applicable job eligibility and other requirements. All rehires are subject to prior approval of the City Manager before the offer is made to the former employee.

### **6.5 PROBATIONARY PERIOD**

All new hires, including former City employees who are hired to fill a regular full-time position, are placed on six months' probation (one year for certified Firefighters, Paramedics and Police Officers). (See Probationary Employees Policy). This policy does not apply to Department Directors, the City Secretary or the City Manager.

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### **6.6 NOTICE PERIOD**

Before any reassignment is effective, the reassigned employee will normally be required to give from two to four weeks' notice, as required by the Department Director in the employee's old department.

### **6.7 30/90 DAY WORK CONFERENCE**

When the new employee has completed 30 days of employment, the supervisor and employee will meet to discuss the employee's experience, resolve questions, review policies and procedures, work safety and work conditions. A report/check list will be completed during this meeting by the new employee and supervisor and sent to the City Manager.

A similar conference will be scheduled after 90 days of employment between the employee and supervisor.

This conference will also apply to employees who receive a promotion, transfer, demotion, or those who are rehired.

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## SECTION 7 – EMPLOYER/EMPLOYEE COMMUNICATIONS

### 7.1 EMPLOYEE RELATIONS

The City believes that the work conditions, wages, and benefits it offers to employees are competitive. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor. Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City amply demonstrates its commitment to employees by responding effectively to employee concerns.

### 7.2 PUBLIC RELATIONS

Providing high quality service to the public in a timely, accurate, efficient and courteous manner is our primary objective. Each employee represents the City when in contact with citizens and non-citizens alike, and employees must constantly strive to be good-will ambassadors for the City. Each employee is responsible for maintaining the good reputation of the City at all times. Employees must also promote the good will and favorable attitude of the public toward City administration. Any employee who fails to demonstrate the proper level of courtesy and professionalism will be subject to disciplinary action, up to and including termination of employment.

In serving the citizens, always remember the following:

- It is the responsibility of City employees to provide excellent service to our citizens;
- The City's citizens are always deserving of courteous treatment; and
- Satisfied citizens are our primary goal.

### 7.3 BULLETIN BOARDS

City bulletin boards are restricted to use by the City for the posting of official City matters, e.g., announcements, internal memos, job openings, and changes in City policies. All employees are responsible for City information posted on the bulletin boards located in their work and break areas. New policies and changes to existing policies, as well as other official City information, will be posted on these bulletin boards from time to time. Employees must obtain specific managerial



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approval before posting any notice or other information on any City bulletin board.

### 7.4 ELECTRONIC COMMUNICATIONS SYSTEMS ACCESS AND USAGE

The City may provide computer networks, Internet access, IM, email, telephones, pagers, digital cameras, voice mail, facsimile or other communication systems for use by certain City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communications systems. The City's electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

**Internet, IM and Email Access.** Users desiring Internet, IM and/or email access must obtain written permission from their Department Director and forward it to the City Manager. Users must acknowledge their understanding of this policy and its guidelines as a condition of receiving an Internet, IM and /or email access account. Failure to adhere to this policy and its guidelines will likely result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

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

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

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### **Unacceptable Uses of Electronic Communications Systems include:**

- Using profanity, obscenity, or other language which may be offensive or harassing to other co-workers or third parties
- Copying or downloading commercial software in violation of copyright law
- Using for financial gain or for any commercial activity unrelated to City business
- Using the Internet, email, etc. in such a manner as to create a security breach of the City network
- Looking or applying for work or business opportunities other than for internal City postings
- Accessing any site, or creating or forwarding of messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences
- Transmitting or sharing information regarding a co-worker's health status without his/her permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City
- Use for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Accessing, displaying, downloading, or distributing any sexually explicit material
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content

**Internet Filtering.** The City may use certain software to filter Internet content for its employees. These filters are designed to prevent the viewing or access of Internet pages containing, but not limited to, any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities
- Games or gaming/gambling sites
- Social Media
- Personal email accounts

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

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

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

### **REMEMBER ALL INCOMING AND OUTGOING EMAIL IS SUBJECT TO THE TEXAS OPEN RECORDS ACT.**

**Copyright Restriction.** Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Manager is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

#### **7.5 CONFIDENTIAL INFORMATION**

From time to time, employees may be privy to confidential information, which is vital to the interests and success of the City. Disclosure of confidential information is prohibited. Any employee who is aware of, or suspects, that an employee is or

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is about to violate this policy must immediately tell his/her supervisor, the City Secretary or the City Manager. Any employee who improperly uses or discloses confidential information, or who fails to report a suspected or actual violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

### **7.6 MAIL**

Employees may not use City postage, stationery, stamps, supplies, etc. for personal business. Personal mail may be placed in the City's outgoing mail, but City postage may not be used for such mail.

### **7.7 NOISE/RADIOS**

All employees must be considerate of their fellow employees with respect to their conversations, telephone usage, etc. Please make every effort to keep voices low and to refrain from group conversations in areas where other employees are working. Employees with private offices should conduct business in their offices, to the extent possible, rather than in common areas where others are working. Employees may only play radios, tape cassettes, CDs, etc. at their work station if not objectionable to any co-workers. Any radio noise must be kept low.

### **7.8 SOLICITATION**

Persons who are not employees of the City may not solicit or distribute literature in the workplace at any time for any purpose. Employees may not solicit, distribute, or post literature concerning events and associations unrelated to the City's business during work time or in work areas, without the prior written authorization of the City Manager. For purposes of this policy, work time does not include lunch breaks or any other period during which employees are not on duty. Employees shall not be required to make any kind of contribution, be penalized in any way, or rewarded in any manner in connection with their employment, according to their response to a solicitation.

### **7.9 TELEPHONES**

City telephones are to be used for City-business purposes. Answer all calls promptly and courteously. Please ask your family and friends not to call during business hours except in cases of emergency. Your own calls should be made during breaks. Long distance calls may only be made on City phones for City business and all long distance calls must be logged. Employees may not make personal long distance calls on City telephones; if this occurs, you may be

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disciplined and you will also be required to reimburse the City for any charge resulting from personal use of the phone. Employees who have been issued a City cell phone must reimburse the City for all personal calls, text or data usage above the normal fees paid by the city for usage. Excessive personal use of City telephones, or other violation of this policy, will result in disciplinary action up to and including termination of employment.

### 7.10 NEWS RELEASES/MEDIA EVENTS

No employee may give a news or press release, or hold a media event (i.e. TV, radio, internet or social media) on behalf of the City without the prior authorization of the City Manager or City Secretary.

During an emergency such as a natural disaster, or a public disturbance including but not limited to hostage taking, shooting, riot, amber alert, fire, hazardous materials event, major wreck involving vehicles, airplanes, trains, or other transportation, the Emergency Management Officer, Chief of Police, or Mayor may issue press releases, issue bulletins, and give live or taped interviews for the public interest.

### 7.11 EMPLOYEE RECORDINGS

If a City employee records in any manner, whether by video, audio, digital or other means, a conversation involving any employee, the Mayor, a Council Member, Administrator, Police or Fire member, City Attorney, City Judge or anyone else involving the City, the employee must deliver an exact duplicate of such recording to the City Manager by 10:00 a.m. on the next business day following such recording.

### 7.12 PERFORMANCE APPRAISALS

**Timing.** Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance appraisals are normally conducted annually. (An employee's anniversary date may be changed to account for an extended absence from work.) New employees normally receive a formal evaluation prior to the completion of their probationary period.

**Purpose.** Performance appraisals are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weakness, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

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**Factors Considered.** Performance appraisals are based on such factors as:

- Job Knowledge -- technical knowledge required to perform the job; skill in using established techniques, procedures, and equipment; ability to perform assigned tasks; and successful initiation on the part of the employee to enhance methods of operation.
- Quality of Work -- quality, accuracy, neatness, thoroughness, timeliness and adherence to standards.
- Quantity of Work -- volume of work.
- Planning/Organizing Abilities and Independence -- following through on assignments and promptness in completing tasks. Consideration is given to the amount of supervision required, decisiveness, and follow-through.
- Conduct -- compliance with established work rules, policies, and procedures.
- Attendance -- extent to which an employee can be counted on to be on the job. Includes tardiness and days absent not covered by FMLA leave.
- Communication -- ability to communicate with citizens, co-workers, supervisors and others.
- Interpersonal Relations (teamwork) -- ability to work well with others; helpfulness to citizens, co-workers and third parties; relationship with superiors.

### 7.13 EMPLOYEE APPEALS POLICY

The City provides regular employees who have successfully completed their initial six-month probationary period with a process for appealing certain matters to the City Manager. Matters not specifically mentioned in this policy are **not** appealable. All appeals are conducted informally in a meeting format. "The decision of the City Manager is the only and final level of appeal."

**Appealable Actions.** Employees may appeal the following:

- Unlawful treatment;

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- Disciplinary action involving an unpaid suspension of at least 1 day or 1 shift (or more), demotion, reduction in rate of pay, or termination.

**How To Make An Appeal.** All appeals must be written and submitted to the City Manager. Any documentation which helps to explain the appeal must be included e.g., copies of relevant policies, rules or regulations; who was involved in the action and when it occurred; the adverse disciplinary action taken; the alleged unlawful treatment complained of; the remedy sought; and any other information or documentation relevant to the appeal.

**Time Limits For Filing Appeal.** Appeals must be filed with the City Manager within five business days of the act giving rise to the appeal. The five-day time limit for filing the appeal may be extended by the City under extenuating conditions. If an employee fails to file his or her appeal by the deadline, the employee waives his or her right to appeal.

**Appeal Meeting.** The City Manager will attempt to schedule the appeal meeting within ten business days of receiving notice of the employee's appeal. The employee and the City may be represented by an attorney or other advisor during the proceeding. The City Manager may consult with witnesses as necessary for him/her to make a determination. If the City Manager decides additional information is needed in order to make a determination, he/she may suspend the meeting for up to five business days, or longer if necessary. The City Manager will then reschedule the appeal meeting at a time mutually agreeable to both the employee and the City.

Requests for other employees to participate in an appeal meeting with the City Manager must be made in writing to the City Manager's office within a reasonable time (at least five business days) prior to the scheduled hearing. The City Manager will normally coordinate attendance by witnesses who are employees of the City. Employee witnesses who participate in an appeal meeting will not lose any pay if their participation takes place during their regular work schedule. Except under unusual circumstances, employees who are not scheduled to work at the time of the meeting will not be required to participate in the meeting.

**Written Decision.** The City Manager will attempt to provide the appealing employee with a written decision within five business days of the conclusion of the appeal meeting. The decision will normally include the following: (i) recap of details of the incident(s) giving rise to the appeal; (ii) reference to any applicable rules, regulations, policies, procedures, laws, etc., relevant to the appeal; and (iii) the decision, along with the appropriate action to be taken, if any.

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**Fivolous Appeals.** An unreasonable number of appeals filed by an employee which thwart the City's orderly processing of appeals, or which are patently irrelevant or incomprehensible, as determined by the City Manager's sole discretion, will be rejected as "nonappealable". Employees involved in the filing of such appeals may also be subject to disciplinary action, up to and including termination of employment.



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## SECTION 8 – EMPLOYEE CONDUCT AND WORK RULES

### 8.1 EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests of the City and the interests and safety of fellow employees, citizens, or other third parties.

**Progressive Discipline.** In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- documented verbal reprimand/counseling session
- written reprimand
- suspension (without pay)
- reduction in rate of pay
- demotion
- discharge

**Documentation.** Verbal reprimands will normally be documented and placed in the employee's personnel file. All other forms of discipline must be documented, signed by both the employee and supervisor and forwarded to the City Secretary for placement in the employee's personnel file. If an employee refuses to sign, this will be noted on the documentation. The documentation will normally consist of a description of the conduct giving rise to the discipline, what improvement is required, the time frame in which improvement must occur and that additional disciplinary action may be imposed if acceptable improvement does not occur in a **timely manner**.

**THE TERM TIMELY MANNER IS DEFINED AS, THE EMPLOYEE  
MAKES IMMEDIATE AND SUSTAINED IMPROVEMENT IN THEIR WORK AND  
BEHAVIOR, WHILE PERFORMING THEIR ASSIGNED ACTIVITIES.**

**Suspension of Exempt Employees.** Exempt employees may only be suspended without pay in accordance with applicable Fair Labor Standards Act regulations.

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Suspension of exempt employees must be approved in advance by the City Manager.

**Disciplinary Conference.** For employees other than Department Directors, the City Secretary and the City Manager, a disciplinary conference will normally be scheduled prior to the imposition of a disciplinary suspension of 1 day or 1 shift or more , demotion or termination. The Department Director, the affected employee, the Human Resource Director and anyone else deemed necessary by the Department Director typically attend the disciplinary conference. During the conference, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will usually be given 2 days advance notice prior to the conference. Employees may, in the City's sole discretion, be placed on administrative leave with pay prior to, during, or after the disciplinary conference. The employee will be notified of the City's determination following the conference.

**Appeal Rights.** Where disciplinary action includes suspension of one day or one shift (or more), a reduction of an employee's rate of pay, demotion and/or termination, the employee will be given an opportunity to appeal in accordance with the City's Employee Appeals Policy. New employees still on probation have no right of appeal for disciplinary action taken against them.

**Review by Department Director/City Manager.** Any proposed disciplinary action in excess of an oral warning must be reviewed by the Human Resource Director **and** the City Manager prior to being given to the employee. This applies to both probationary and non-probationary employees.

**Prohibited Activities.** Disciplinary action will be imposed for violations of City or Departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees or citizens at risk, will also likely result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of property not your own
- Falsification of timekeeping or other records, including employment application

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- Working under the influence of alcohol or illegal drugs or abuse of legal drugs
- Sexual or other unlawful harassment
- Excessive or unscheduled absenteeism or tardiness or absence without notice and/or approval
- Violation of smoking policy and inappropriate use of smokeless tobacco products
- Profanity or abusive language
- Violation of safety or health rules and failure to immediately report an on-the-job injury
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials or others
- Making or publishing false, vicious, or malicious statements about the City, a co-worker, a supervisor or others
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment (unless in official law enforcement capacity)
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, etc.
- Unauthorized disclosure of confidential information
- Violation of City or Departmental policies, codes of conduct, rules and procedures
- Failure to be considerate of co-workers, citizens or others
- Unsatisfactory performance or conduct
- Disruptive activity in the workplace

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- Fighting, provoking or instigating a fight, or threatening violence in the workplace
- Conduct which results in waste or damage of a co-worker, City or citizen-owned property
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers and animal control officers required to carry a weapon as part of their job duties) **(Refer to City Safety Policy)**
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts with, or potentially conflicts with, City interests
- Insubordination or other disrespectful or unprofessional conduct
- Violation of local, State or Federal law
- Lying or willful omission of fact
- Failure or refusal to follow lawful orders
- Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations)
- Dishonesty, including misrepresentation during hiring process

**Felonies and Misdemeanors.** Employees must immediately notify their Department Director, Human Resource Director **and** the City Manager if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action; in rare instances, however, an employee arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and, if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the appropriate Department Director and the City Manager. An employee on administrative leave may, in the City's

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sole discretion, be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

**Administrative Leave.** During an investigation into alleged offenses or violations of City policies, the City may, at its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager.

### 8.2 PERSONAL APPEARANCE

**General Guidelines.** Dress, grooming, and personal cleanliness are vital to the City's image as well as the morale of its employees. All employees are expected to present a clean and neat appearance and to dress in an inoffensive and appropriate manner while on City premises and while off premises on City business. Reporting to work in a clean and professional manner helps the City to present a positive and professional public image. Employees are expected to dress appropriately for their job and the nature of the work performed. All employees must adhere to the following guidelines:

- Appropriate underclothing must be worn at all times.
- No revealing or excessively tight clothing.
- No shorts (unless part of a City approved uniform).
- No tattoos, hats, caps or any article of clothing that displays alcoholic beverages, drugs, pornography, or offensive material of any kind.
- No torn or tattered clothing.
- Shirts must be worn at all times and may not be unbuttoned below the second button from the top.
- Beards and mustaches must be kept clean and neatly trimmed. For safety reasons, employees required to wear self-contained breathing apparatus or other similar equipment may not have facial hair in the face piece seal area.
- No nose rings/studs, eyebrow rings, tongue studs or similar type facial jewelry.
- Hairstyles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. By way of example, green

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hair, Mohawk style haircuts, ponytails on men, and severe spiked hair is not permissible. Hair must be clean and neatly groomed at all times.

**Enforcement.** In all cases, the City will make the determination as to what is acceptable dress and grooming. Normally, the Department Director will determine appropriateness; however, the City Manager has final determination. If you have any questions about what is appropriate to wear, please ask your supervisor or Department Director.

Anyone who is not appropriately groomed or who dresses in violation of the policy will be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.

### **8.3 UNIFORMS**

The City supplies certain employees with appropriate uniforms. If your job requires that you wear a uniform, you will be told how and where they can be obtained. Appropriate shoes and hats may also be required - in some cases they will be furnished to the employee by the City. Replacement uniforms will be provided by the City as necessary. Uniforms must be clean, neat and in good repair when worn.

The use of City-owned or authorized uniforms may not be used by City employees outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with their outside employment only if their Department Director and the City Manager have given their prior written authorization.

Uniformed public safety employees will be provided and must abide by departmental policies regulating uniform.

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### **8.4 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL UNIFORM, BADGE OR AUTHORITY**

Employees whose duties involve the use of a badge, card, uniform or insignia as evidence of authority or for identification purposes may not permit such badge, card, uniform or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his or her possession without prior approval of his or her Department Director or other authorized supervisor. Badges, identification cards, uniforms and insignia may only be used in the performance of the official duties of the position to which they relate.

### **8.5 HOUSEKEEPING DUTIES**

Each employee is responsible for maintaining a neat, sanitary and orderly work area, including, if applicable, office spaces, vehicles and equipment.

### **8.6 SAFETY (Refer to City Safety Policy)**

The City strives to conduct its operations with the utmost regard for the health and safety of its employees and citizens. Each and every employee is required at all times to obey safety rules, to follow appropriate safety procedures, and to exercise caution and good judgment in all work activities. Some employees may be required to wear protective clothes and/or use certain equipment in order to safely carry out their duties. Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to immediate disciplinary action, up to and including termination of employment.

**Reporting Requirements.** Employees must immediately report any unsafe condition, equipment or practices to the appropriate supervisor and/or Department Director. In addition, all accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor and/or the Department Director. If needed, first aid or medical treatment should be requested. An employee report of accident form must be completed by each employee involved in an accident or injury and turned into the employee's supervisor. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate. Failure to complete and turn in the employee report of accident form and/or failure to report any accident or injury within twenty-four hours of its occurrence will likely result in disciplinary action, up to and including termination of employment.

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**Departmental Rules.** Certain Departments will have safety rules specific to the duties performed and equipment used. These policies may include training requirements (including initial training for new employees as well as on-going training for other employees), use of protective equipment and clothing, and other appropriate topics. Employees with questions regarding safety should talk to their supervisor.

### **8.7 SEARCHES**

The City may conduct unannounced searches or inspections of the worksite, including, but not limited to, employee's personal effects such as purses, lunch boxes, brief cases, and private vehicles located on City property or used to conduct City business. In addition, the City may, at any time, search or inspect City property used by employees, including, for example, lockers, file cabinets, desks, and offices, whether secured, unsecured or secured by a lock provided by the employee. Employees are not entitled to any expectation of privacy with respect to such items.

All searches must be authorized in advance by the City Manager and conducted under the direction of the City Manager. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

### **8.8 POLYGRAPH EXAMINATIONS**

Except for extraordinary circumstances, City employees (other than certain employees in the Police and Fire Departments) will not be subjected to polygraph examinations. Police and Fire Department employees will be required to submit to a polygraph only in those situations permitted by law. Nothing in this policy prohibits an employee from volunteering to take a polygraph. No City employee, however, whether in Police, Fire or other City Department, may have a polygraph without the advance written authorization of the City Manager.

### **8.9 SMOKING**

In keeping with the City's desire to provide a safe and healthful work environment, smoking is prohibited throughout the workplace, including in City vehicles.

Smoking or use of electronic cigarettes is only permitted outside, in areas specifically designated for smoking. Smoking is not permitted during an employee's work time -- it is only permitted during meal breaks, and before and



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after regular business hours. When conducting City business in the offices or other premises of a third party, employees must follow their smoking policies.

Smokeless tobacco shall not be used during any contact with the public, during any public meeting, or when representing the City in an official capacity. Smokeless tobacco receptacles shall never be in view of the public or co-workers whom find receptacles unpleasant, and shall be in a sealable container. Trash cans, toilets, sinks and water fountains are not smokeless tobacco receptacles. Smokeless tobacco receptacles are required in City vehicles.

This policy applies equally to all employees, citizens, and other visitors. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

### **8.10 USE OF CITY EQUIPMENT**

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities necessary to perform their jobs. The City requires all employees to observe safe work practices and lawful, careful and courteous operations of vehicles and equipment.

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

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using equipment owned or leased by the City, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The City's equipment and other property may not be removed from the premises or used for personal business without prior written authorization from the City Manager. Under no circumstances may City property be loaned or rented without the City Manager's prior written approval.

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You must notify your supervisor immediately if any equipment, machines, or tools appear to be damaged or defective, or are in need of repair. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

### **8.11 USE OF CITY VEHICLES (Refer to City Safety Policy)**

City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. If you drive your own, or a City-owned, rented or leased vehicle on your job or while carrying out City-related business, you must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than other City employees or others on City business may ride with you unless otherwise approved in advance by management
- No personal use of City-provided vehicles is allowed without the prior, specific approval of your Department Director.
- All maintenance and use records must be complete as directed by your supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance, to your supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times
- At no time may an employee under the influence of alcohol or illegal drugs drive a city vehicle or a personal vehicle while conducting city business.

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- Employees involved in an accident while operating a city vehicle, or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, Department Director **and/or** City Manager. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director.

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

The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver and that he/she has an acceptable driving record as determined in the City's sole discretion. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose. (Note: more than 2 tickets in a 3 year period will normally be considered unacceptable.)

### **8.12 SECURITY AND LOSS PREVENTION**

It is everyone's responsibility to help the City in loss prevention. If you become aware of losses or damage because of negligence, theft, willful destruction or abuse, or for any other reason, it is your responsibility to report it to your supervisor, your Department Director and/or the City Manager's office immediately. You must notify management immediately of any incident that results in loss or damage to the City, its employees, or the general public. You should notify management of any situation which may result in such a loss. Investigation of theft or other criminal behavior may require that you cooperate with law enforcement officials. Failure to cooperate may result in disciplinary action, up to and including termination of employment.

Each employee is responsible for making sure all doors, gates, chains, locks, setting alarms, etc., are locked and secured, and for key removal from vehicles and equipment of which they are responsible for. Other security measures may also be required from time to time. Failing to comply with security precautions is a serious violation of City policy.

Any employee who becomes aware of or witnesses an incident of a nature described above – and who fails to report it in a timely manner – may be considered a party to any loss that occurs. In such cases, disciplinary action may

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be taken against the primary offender and the employee who failed to report it or concealed knowledge of the incident.

### **8.13 WEAPONS BAN AND VIOLENCE PREVENTION POLICY**

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

**Zero Tolerance.** Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

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

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

**All Weapons Banned.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, may carry or possess a firearm or other weapon on City property, including, without limitation, buildings, entrances, exits, break areas, parking lots, surrounding areas and parks. Controlled hunts on the Mineola Nature Preserve on the Sabine River are

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exempted from the ban. A controlled hunt must be under the control of Texas Parks & Wildlife Department or an authority designated by the City Council of the City of Mineola. The City's policy prohibits employees from carrying or using any weapons, concealed or otherwise, on City property. This ban includes keeping or transporting a weapon in any City-owned or leased vehicle or in a personal vehicle in a City-provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc., as defined by Texas Penal Code Section 46.01.

**Mandatory Reporting.** Each City employee must immediately notify his/her supervisor, Department Director, the Human Resource Director, the City Manager **and/or** the Police Department of any act of violence or any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior he/she has witnessed that the employee regards as threatening or violent, when that behavior is job related or might be carried out on City property, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the focus of the threatening behavior.

**Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must immediately provide to the Human Resource Director, the City Manager, and the Police Department, a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. Employees must immediately advise/inform the Human Resource Director and the City Manager if any protective or restraining order is issued against them.

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

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

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### 8.14 ENDORSEMENTS

City employees may not use their municipal title, position or uniform in any advertisement or endorsement of products unless specifically authorized, in advance, by the City Manager.

### 8.15 POLITICAL ACTIVITIES

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with State and Federal law and these policies. A City employee may not:

- Use his/her position or office to coerce political support from employees or citizens.
- Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for City of Mineola public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council; or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of such office or employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service or to circulate petitions or campaign literature on behalf of an election issue or candidates for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes.
- Hold or seek an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City Council. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.

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### 8.16 GIFTS

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

- an award publicly presented in recognition of public service
- an occasional meal where public business is discussed
- t-shirts, caps and other similar promotional material
- any gift which would have been offered or given to the employee even if the employee were not a City employee

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

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

The City takes this policy very seriously and violation will likely result in disciplinary action up to and including termination of employment. Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed the City Secretary, Human Resources Department or City Manager.

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### 8.17 SOCIAL MEDIA POLICY

While the City of Mineola encourages its officials and employees to enjoy and make good use of their off-duty time, certain activities on the part of its officials and employees may become a problem if they have the effect of impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment for any official or employee; disrupting the smooth and orderly flow of work within the City; or harming the goodwill and reputation of the City of Mineola among its citizens or in the community at large. In the area of social media (print, broadcast, digital, and online), officials and employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above. For this reason, the City of Mineola reminds its officials and employees that the following guidelines apply in their use of social media, both on and off duty;

1. If an official or employee publishes any personal information about themselves, another official or employee of the City of Mineola, a citizen, or a vendor in any public medium (print, broadcast, digital, or online) that:
  - a. Has the potential or effect of involving the official or employee, their co-workers, or the City of Mineola in any kind of dispute or conflict with other officials or employees or third parties;
  - b. Interferes with the work of any official or employee;
  - c. Creates a harassing, demeaning, or hostile working environment for any official or employee;
  - d. Disrupts the smooth and orderly flow of work within the City, or the delivery of services to the City's citizens;
  - e. Harms the goodwill and reputation of the City of Mineola among its citizens or in the community at large;
  - f. Tends to place in doubt the reliability, trustworthiness, or sound judgement of the person who is the subject of the information; or
  - g. Reveals private information;
2. The official(s) or employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending on the circumstances.
3. No official or employee of the City of Mineola may use City equipment or Facilities for furtherance of non-work-related activities or relationships without the express advance permission of the City Manager.
4. Officials or Employees who conduct themselves in such a way that their actions and relationships with each other could become the object of gossip among others in the City, or cause unfavorable publicity for the City of Mineola in the community, should be concerned that their



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conduct may be inconsistent with one or more of the above guidelines. In such situation, the employees involved should request guidance from their immediate supervisor or the City Manager to discuss the possibility of a resolution that would avoid such problems. Depending on the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

5. Should you decide to create a personal blog, be sure to provide a clear disclaimer that the views expressed in the blog are the author's alone, and do not represent the views of the City of Mineola.
6. All information published on any official or employee blog(s) should comply with the City of Mineola's privacy and/or data policies. This also applies to comments posted on other social networking sites, blogs, and forums.
7. Be respectful to the City of Mineola, co-workers, citizens, vendors, and partners, and be mindful of your physical safety when posting information about yourself or others on any forum. Describing intimate details of your personal and social life, or providing information about your detailed comings and goings might be interpreted as an invitation for further communication --- or even stalking and harassment that could prove dangerous to your physical safety.
8. Social media activities should never interfere with work commitments.
9. Your online presence can reflect on the City of Mineola. Be aware that your comments, posts, or actions captured via digital or film images can affect the image of the City of Mineola.
10. Do not discuss City citizens, vendors, issues, or business without express consent.
11. Do not ignore copyright laws, and cite or reference sources inaccurately. Remember that the prohibition against plagiarism applies online.
12. Do not use any City of Mineola logos or trademarks without written consent. The absence of explicit reference to a particular site does not limit the extent of the application of this policy. If no policy or guideline exists, the City of Mineola's officials or employees should use their professional judgement and follow the most prudent course of action. If you are uncertain, consult your supervisor or manager before proceeding.

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## SECTION 9 – DRUGS AND ALCOHOL

### 9.1 DRUG AND ALCOHOL USE

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

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

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

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

**Permissive Use of Alcohol.** The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other

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City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. Reasonable alcohol consumption is not objectionable at certain City-sponsored social events, certain City parties, business entertainment if appropriate (but not during business lunches) and as may otherwise be specifically approved in advance by the City Manager. However, no employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Unless specific approval is granted by the City Manager, including promotional events and activities, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

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

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

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

**Mandatory Reporting of Convictions.** Employees must notify the Human Resources Director, in writing, of any criminal drug conviction (including a plea of *nolo*

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*contendere*) for a violation occurring in the workplace no later than five calendar days after the conviction.

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

**Searches.** The City may, at any time, conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, and offices, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspection of the employee's personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. Employees are not entitled to any expectation of privacy with respect to such items.

All searches must be authorized in advance by the City Manager and conducted under the direction of the City Manager. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

**Policy Violations.** Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Department Director to receive assistance or referrals to appropriate resources in the community.

The City may have additional obligations in addressing controlled substances and alcohol abuse for those employees regulated by the U.S. Department of Transportation. The City will ensure that the controlled substance and alcohol testing conforms to US DOT workplace testing requirements.

### 9.2 DRUG AND ALCOHOL TESTING

**Types of Tests.** Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally accepted testing procedure.

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**Testing of Applicants.** All applicants to whom a conditional offer of employment has been made may be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

### **Testing of Employees.**

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
2. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs, or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors must document the specific, observable facts in support of reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
3. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
4. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action, up to and including termination.
5. A positive test result is a violation of the City’s Drug and Alcohol Use Policy and will likely result in disciplinary action, up to and including termination of employment. Any employee who is terminated for violation of the City’s Drug and Alcohol Use Policy is ineligible for future employment with the City.
6. Police and Fire Department employees are also subject to departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing, including provisions for random testing.

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7. The City may have additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation.

### **Testing Procedures.**

1. All testing must be authorized in advance by the City Manager. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable observations which led him or her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion otherwise exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, at its discretion, reassign the employee or put him/her on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

3. All substance abuse testing will be performed by a laboratory or health-care provider chosen by the City. All positive test results will be subject to confirmation testing.

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

**Positive Test.** A positive drug and/or alcohol test will likely result in termination.

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## **SECTION 10 – SEPARATIONS**

### **10.1 RESIGNATION**

The City requests that employees give at least two weeks advance notice before resigning their employment so that an orderly transition can be made. This includes turning in City property and completing required forms. Employees who resign are asked to furnish written notice to their supervisor, the Human Resource Director or the City Manager's office giving the reasons for and the effective date of their resignation. Employees who fail to give a two-week notice are not eligible for rehire. Employees who give adequate notice and resign with a satisfactory job performance and conduct record will be considered to have resigned in good standing.

### **10.2 JOB ABANDONMENT**

If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization for a day or more, the City will normally consider the employee to have abandoned his/her employment and will be terminated.

### **10.3 TERMINATION**

The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails probation. All employees are at will. Employees who are terminated, or who resign in lieu of termination, because of unsatisfactory performance or conduct and/or violation of City policies or procedures, are not eligible for rehire.

### **10.4 RETURN OF CITY PROPERTY**

If an employee fails to return City property upon resignation, termination or retirement, the City may make a payroll deduction from or withhold the employee's final paycheck(s). Department Directors will verify that all city property has been returned prior to release of the employee's final paycheck(s).

### **10.5 EXIT INTERVIEWS**

In most cases when an employee leaves the City, he or she will have an exit interview with the appropriate supervisor, Human Resource Director and/or City Manager on or before the last day of work. The purpose of the exit interview is to

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finalize all compensation due, return City property, provide explanation of any continuing benefits, go over the reason the employee is leaving and solicit constructive feedback to improve the City.

### **10.6 REFERENCES**

All requests for information, including requests for verification of employment and requests for employment references, regarding current and former employees, should be directed to the Human Resource Director or the City Manager. Only the Human Resource Director and the City Manager are authorized to provide information of any kind regarding current or former employees. Inquiring parties should be informed that all requests need to be made in writing.

The City will release only dates of employment and job title to third parties unless the employee or former employee has signed a written authorization to disclose further information about his or her employment, or if such information must be disclosed in accordance with an open records request.

All employees are expected to strictly abide by the terms and procedures of this policy. An employee who receives a request for information should never make any "off-the-record" statements regarding a current or former employee. Employees who violate this policy may be subject to discipline, up to and including termination.

### **10.7 SEPARATION PAY**

Employees who leave the City's employment will receive all pay to which they are legally entitled, including any unused compensatory time. Any debt owed to the City by the employee will be deducted from the employee's final paycheck(s). Employees who have worked for the City more than one calendar year will be paid for any unused vacation. Employees who separate and have not worked for the City for at least one calendar year are not paid for any unused vacation.

### **10.8 DEATH OF EMPLOYEE**

Any unpaid compensation, including unused vacation and comp time, of an employee who dies while employed by the City will be paid to his/her designated beneficiary. If there is no designated beneficiary, payment will be made to the employee's estate or as otherwise required by law.



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### **10.9 TMRS**

Employees who leave the City's employment prior to retirement may request a refund of their portion of their TMRS retirement account, plus earned interest on their contribution. If an employee begins employment with a participating employer without a break in service, a refund will not be made. Instead, the employee's account balance will be transferred to the new city.

### **10.10 LONG TERM ABSENCE/TERMINATION**

Any employee who is absent from work for more than twelve consecutive months, for whatever reason, will be terminated. Brief appearances at work during an overall twelve-month absence will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a light duty capacity) but who is unable to perform the duties of his/her actual position for twelve months will be terminated. Nothing in this policy guarantees an employee ongoing employment for twelve months (or for any other period of time) if it is determined that the employee will be unable to return to full-time active duty within a twelve-month period. (Note: This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, including considering extending leave as a reasonable accommodation.)

### **10.11 REDUCTION-IN-FORCE**

The City Council may implement a reduction-in-force at any time because of budget reductions or curtailment of work. A reduction-in-force may require the separation, demotion, reassignment or reduction in work hours of certain employees. A reduction-in-force may impact an entire department, a division within a department or a functional area within a department. Factors that will be considered in determining which employees will be adversely affected by the reduction-in-force may include employees' unique qualifications, knowledge, and skill; performance evaluations; disciplinary history; and length of service. In all cases, the needs of the City will be paramount. Normally, hiring preference will be given to former employees with a favorable work and conduct record who were laid off from City employment because of lack of work, provided the employee meets all the other hiring requirements of the vacant position.

### **10.12 RETIREMENT**

Eligible employees may be separated from City employment by retiring in accordance with applicable programs. An employee who intends to retire should

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notify the Human Resource Director, in writing, at least thirty days prior to the anticipated retirement date. Such advance notice is necessary to ensure that the required paperwork is timely submitted to TMRS.