



CITY OF BULVERDE

PERSONNEL POLICY

EFFECTIVE 1-1-2024

OFFICIAL COPY

CITY MANAGER AUTHORIZATION



HANDBOOK ACKNOWLEDGMENT AND DISCLAIMER

I _____, have received, read, understood, and agree to comply with the Personnel Policy for the City of Bulverde, dated _____, and understand all the information presented.

I understand that the City of Bulverde has the maximum discretion permitted by law to interpret, administer, change, modify, or delete the rules, regulations, procedures, and benefits contained in the policy at any time, with or without notice. No statement or representation by a supervisor, manager, or any other employee, whether oral or written, can supplement or modify this handbook. Changes can only be made if approved in writing by the City Manager.

I also understand that any delay or failure by the City to enforce any rule, regulation, or procedure contained in the policy does not constitute a waiver on behalf of the City or affect the right of the City to enforce such rule, regulation, or procedure in the future.

I understand that this Personnel Policy in no way establishes or implies an employee contract. I understand that I am an employee "at will" which means that I am free to terminate my employment with the City of Bulverde at any time, for any reason. Similarly, the City of Bulverde may terminate me for any reason, or for no reason, at any time.

I have read the policy on discrimination / harassment and understand that I have a duty to report to the City of Bulverde all acts of discrimination / harassment that I either witness or am involved with.

This policy is not intended to preclude or dissuade employees from engaging in legally protected activities under the National Labor Relations Act (NLRA).

This policy supersedes any previous handbook or policy statements, whether written or oral, issued by the City of Bulverde.

If I have any questions about the content or interpretation of this policy, I will contact the City Secretary or City Manager.

I agree to comply with, and enforce, ALL the rules, policies, and procedures set forth in the Personnel Policy.

Employee's Signature: _____

Print Employee Name: _____

Date: _____



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CHAPTER 1 – GENERAL GUIDELINES

1.01 PURPOSE

The purpose of this policy is to provide a foundational set of guidelines for managers, supervisors, and employees. This policy applies to all employees unless superseded by the state and federal constitutions, state and federal legislation and/or regulations, City Charter, and City of Bulverde Code of Ordinances. Failure to comply with these policies may be cause for appropriate corrective action. All City employees are charged with being familiar with the provisions of this policy.

1.02 AUTHORITY

With the exception of matters for appointments and other personnel actions reserved to the City Council by statute or the Home Rule Charter, final authority is reserved to the City Manager with regard to all personnel matters and subjects covered by these regulations. Each department Director is responsible for enforcing the provisions of these policies.

1.03 AMENDMENT PROCESS

Suggestions for proposed amendments are welcomed at any time from any employee. These suggestions may be submitted in writing to the City Manager for consideration.

These policies may be amended, revised or new policies may be added at any time, with or without notice, upon the approval of the City Manager. Employees will be notified by the City Manager of any changes to the policies as soon as practicable.

1.04 AT-WILL EMPLOYMENT

All employees of the City of Bulverde are employed on an at-will basis, unless the employee has a written contract approved by the City Manager. This means that the employment relationship is not an entitlement, but rather a privilege that may be terminated at any time by either the employee or the City for no reason at all or for any reason not expressly prohibited by law. This policy is not a contract, express or implied, guaranteeing employment for any specific duration.

All appeal procedures are for the purpose of fact-finding and to assist in the just administration of the personnel policies of the City of Bulverde. The appeal procedures contained in this personnel policy shall not be construed to grant employees of the City of Bulverde any form of property interest in their continued employment.

1.05 APPLICABILITY OF PERSONNEL POLICIES

These personnel policies apply equally to all employees of the City unless a class of employees is specifically exempted by these policies. If any City employee's employment is governed by a contract with the City, the employment contract will overrule in the event of a conflict between the employment contract and these policies.

The provisions of these policies are severable, and if any provision or part of a provision is held invalid,

illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect. Changes in state or federal law or regulations will supersede these policies and/or departmental policies from the effective date of the law or regulation forward.

1.06 DISSEMINATION OF PERSONNEL POLICIES

The City Manager oversees the maintenance of the official set of the personnel policies. In addition, each department head will provide a complete copy of these policies. If a question arises about a particular policy, the official set of policies maintained by the City Manager should be consulted and will prevail.

Each City employee receives a copy of these policies and is required to read it carefully and to adhere to the rules and regulations stated herein. Upon commencement of employment, every employee is required to sign an acknowledgment of having received a copy of the City's personnel policies and of the employee's at-will status.

1.07 EQUAL EMPLOYMENT OPPORTUNITY

The City of Bulverde is committed to providing equal employment opportunities to all employees and applicants for employment in hiring, compensation, benefits, job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other terms and conditions of employment without regard to race, age, religion, color, disability, national origin, or any status protected by federal, state or local law.

The City prohibits discrimination based on race, age, religion, color, disability, national origin, sexual orientation or gender, status as a Vietnam-era or special disabled veteran, or in any group protected by federal, state or local law. The City prohibits retaliation against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.

1.08 OFFICIAL COPY

An official copy of this policy shall be signed by the City Manager and kept on file in the Office of the City Secretary.

CHAPTER 2 – STANDARD OF CONDUCT

2.01 GENERAL

The City of Bulverde is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, and to do their part in maintaining good relationships with the public, their supervisors, City officials, and their fellow employees.

2.02 REQUESTS FOR CLARIFICATION

In the absence of any request for clarification, the City will assume that each employee understands the responsibilities assigned to the position that he or she occupies as set out in the City's job description for that job.

2.03 RELATIONSHIPS BETWEEN CO-WORKERS

The City prohibits supervisors and managers from dating any subordinate. Further, the City strongly discourages all employees from dating co-workers. Such relationships can be disruptive to the work environment, create a conflict of interest or the appearance of a conflict of interest, and lead to charges of favoritism, discrimination, or sexual harassment. Therefore, where an employee's off duty conduct impacts upon the work environment in a negative manner, such as noted above, the City reserves the right to take whatever action is appropriate to protect its interests and those of the public.

2.04 PROFESSIONAL APPEARANCE

As a City employee, you represent the City and your department when you are on duty and/or when you are in a City uniform. Dress and personal grooming communicates a professional image to our citizens, potential employees, and community visitors and helps to instill confidence in our ability to provide a high standard of quality services. Therefore, you are expected to be neat and clean and to dress for work according to generally accepted business and professional standards as dictated by your work assignment and as depicted in this policy. Expensive clothes are not necessary in creating and maintaining a professional, favorable image of the City's work force.

This policy is intended to provide guidelines on dress and appearance and is not meant to address all situations. There may be differences in some department's or division's dress guidelines depending on the nature of the work environment, nature of work performed, safety, involvement with the public, required uniforms or other circumstances as defined by the Department Director.

Business Casual Attire. The City encourages a business casual work environment. Business casual attire is permissible in the workplace but must be properly fitting in size and shape, neat, clean, and in conformance with safety standards. Anything that would be worn to a gym, beach or to do yard work is not considered appropriate attire for the workplace. In determining your attire, it is important to keep your daily schedule in mind. If you are attending a City Council meeting, Board/Commission meeting or meeting with external customers or contacts, more formal business attire may be appropriate. All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean and in good repair.

2.05 UNIFORMS / EQUIPMENT

Some City departments require employees to wear uniforms, in some cases; the City provides the uniform and/or pays for the maintenance costs. In all cases, the employees must keep their uniform neat and clean. Employees who have been issued City uniforms and / or equipment must return these uniforms and/or equipment before leaving City employment.

The City asks that while employees are in uniform, they act in a professional manner.

2.06 TIMELINESS AND ATTENDANCE.

Employees are to be punctual in reporting for work at their designated work site, keeping appointments, and meeting schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not later than 15 minutes after the time the employee is scheduled to begin work, and preferably prior to the start of the workday, unless emergency conditions exist. It may be required in some departments for an employee who will be late or absent to contact his or her supervisor or department head four hours prior to the employee's scheduled time to begin work unless emergency conditions exist. See also the Leave Time chapter of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. If an employee is absent for medical reasons for three or more consecutive workdays, or if the employee has already used 64 hours of sick leave cumulatively during the calendar year, the employee may not return to work without a report from a doctor giving the date of illness or injury, and a statement releasing the employee for return to work without limitation. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Unexcused absence or frequent tardiness is not permissible and is grounds for disciplinary action up to and including termination.

2.07 CONFIDENTIALITY OF ADDRESS OR TELEPHONE STATUS.

Each employee shall choose whether the City may disclose to the public the employee's home address, home telephone number, social security number, or whether the employee has family members. Such election shall be made in writing, within the first fourteen (14) days of employment, or within fourteen (14) days of termination of employment. This requirement does not apply to police officers, whose addresses and telephone numbers are not public information. Employees may revoke their elections for nondisclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the City Secretary's office. (Legal Reference: Tex. Govt. Code §552.1171)

2.08 OUTSIDE EMPLOYMENT ACTIVITIES.

Employees may not engage in any outside employment activity or enterprise that is determined to be inconsistent or incompatible with employment with the City or to adversely affect the employee's job performance.

An employee who wishes to engage in such activity must prepare a full and complete written request describing the employment activity or enterprise for which permission is requested and must have the advance approval of his or her department head and the City Manager to engage in any outside employment, including self-employment. City approval of an outside employment activity or enterprise may be withdrawn at any time if, in the discretion of the City Manager, such outside employment or enterprise is negatively impacting the employee's performance of duties for the City or if a conflict of interest or appearance of impropriety arises in connection with the outside employment or enterprise.

The City of Bulverde is considered primary employment and the outside job is secondary employment. At no time should secondary employment interfere with primary employment or be done during the course of primary employment. An employee who performs duties relating to his or her secondary employment while on duty with the City will be subject to discipline up to and including termination of employment.

If a City employee is injured on the job in the course of employment outside of his or her employment with the City, the employee may not file a workers' compensation claim against the City for benefits related to the injury, regardless of the fact that the City Manager may have approved the outside employment.

2.09 GIFTS AND GRATUITIES

A City officer or employee may not accept any gift or benefit that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the City. See Conflict of Interest section below.

2.10 CONFLICT OF INTEREST

Officers. An officer is a member of the City Council, and the City Manager, City Secretary, City Attorney, and Municipal Judge.

An officer of the City will neither have financial interests in the profits of any contract, service or other work performed for the City nor derive personal profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company.

2.11 POLITICAL ACTIVITY

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

An employee, in his or her official capacity, may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office;
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose;
3. Use funds provided by the State of Texas or the City of Bulverde to influence the passage or defeat of any legislative measure in the Texas legislature or the outcome of any election; or
4. Use his or her working time or City resources to participate in a political campaign of another person for an elective position or for any other political purpose. (This includes making political speeches, soliciting by telephone, distributing political literature, or writing or handling letters related to a political campaign or activity.)
5. Supervisors are discouraged from soliciting political contributions from subordinates.

All City employees are prohibited from participating in any way in any political activity while wearing a City uniform, regardless of whether the employee is on duty or on his or her own time. In addition, no City-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee. (Legal Reference: U.S. Hatch Act of 1940, as amended)

Violation of this policy is grounds for disciplinary action, up to and including dismissal and/or disapproval of funding for the position occupied by the employee involved.

2.12 COMMUNICATIONS

Staff to City Council and Media. Communication with the City Council and the media are the responsibility of the City Manager. City employees must notify their immediate supervisor of any inquiries or other interactions related to City business received from members of the City Council or the media.

Internal Communications. From time to time, an employee may be given work instructions from or asked questions by a City employee or official outside the normal chain of command. In such cases, it is the employee's responsibility to notify his or her immediate supervisor in a timely manner about the instruction or question, its purpose, the relevant facts of the situation, and the employee's response to the direction or question. Supervisors are responsible for reporting these incidents promptly through the chain of command to the City Manager.

Timeliness. In any case, a determination of timeliness for reporting an incident through the chain of command will be based on the nature of the instruction, request, or question; any potential adverse consequences of the employee's response; and/or the time frame during which an amended response could alter potentially adverse consequences. Timeliness generally means not later than the beginning of the next working day following the date of the incident.

Mayor/City Council to Staff. Except for the purpose of inquiries and investigations specifically authorized by statute, the Mayor/City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Neither the Mayor/City Council nor any of its members shall give work instructions or orders to any City officer or employee, either publicly or privately, unless specifically authorized by statute.

2.13 SECRET RECORDINGS PROHIBITED

If an employee wishes to tape record any conversation between the employee and any other City employee or officer, or between two or more other City employees, the employee wishing to make the recording must first notify the other person(s) of his or her intent to record the conversation or comments and must ask the other person(s)' written authorization to make the recording. Any unauthorized taping of any conversation is grounds for immediate disciplinary action, up to and including dismissal.

2.14 SOLICITATION OF FUNDS FOR CITY PROJECTS

City employees may engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall be made during the employee's non-working hours, and the employee must not either represent himself or herself as a City employee or wear a City uniform or logo when engaged in fundraising solicitations.

2.15 SEARCHES

The City reserves the right to examine the contents of any City-provided computer, device or equipment at any time and without notice. The City may monitor all Internet activities and may review any electronic messages coming in or going out of City-provided computers, devices, and equipment.

2.16 WEAPONS

Employees are prohibited from carrying personal handguns, firearms and other weapons onto City property or in City vehicles or City buildings, unless approved by the City Manager. Violation of this policy may result in disciplinary action up to and including termination.

2.17 CHAIN OF COMMAND

Individual City employees are responsible to the department head or City Manager or to a supervisor designated by the department head or City Manager. Department heads are responsible to the City Manager. The City Manager is responsible to the City Council as a whole. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command.

2.18 PURCHASING

Purchases by City employees shall be made only as authorized by the City Manager or his designee in accordance with the City budget and shall comply with state purchasing laws.

The City Manager is authorized by the City Council for any single budgeted purchase up to the limit allowed by State Law, any amount over this must go before City Council for approval. All purchases must be in compliance with all Federal, State and local laws and ordinances.

The City of Bulverde's name or its tax-exempt status shall never be used by any employee for his or her personal advantage on any purchase.

CHAPTER 3 – USE OF CITY PROPERTY

3.01 GENERAL POLICY

The City attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

3.02 USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES

Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Improper use and/or maintenance may result in disciplinary action.

City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal or political use of any City property, materials, supplies, tools, or equipment is permitted. Upon termination of employment, employees must return any City property in their possession. Failure to return all City property in the employee's possession may result in legal action by the City against the employee.

Some City of Bulverde employees are permitted to drive City vehicles home in the evenings and on weekends and to return to their work site in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the City vehicle's location and then to the work site. In these instances, the vehicle may not be used by the employee to conduct any kind of personal business unless the personal use is negligible and is conducted while the employee is in route from his or her City work site to his or her home or vice versa.

If an employee is in doubt about whether a particular use of City equipment, property, or vehicles is permissible, he or she must check with the appropriate department head or the City Manager before proceeding. Violations of this policy may result in disciplinary action up to and including discharge and possible prosecution.

Employees who receive a monthly car allowance shall receive compensation for all miles traveled outside a 10-mile radius of the City of Bulverde. Compensation will be at the current IRS approved rate.

Employees who do not receive a car allowance shall be reimbursed for all official miles traveled within the City and all pre-approved miles outside of the City of Bulverde. Mileage will be reimbursed at the current IRS approved rate.

3.03 VALID DRIVER'S LICENSE

All operators of City vehicles or personal vehicles who are on City business are required to have the valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their supervisors informed of any changes of status in their licenses. Department heads or supervisors will conduct periodic checks of the driving records of all employees who operate City vehicles. An employee who is required to drive as an essential function of his or her job must maintain a driving record satisfactory to the City's general liability insurance carrier or the employee will be restricted from driving and/or disciplined up to and including termination. Under most liability insurance policies, one offense that is certain to result in the employee's disqualification from coverage is a conviction for driving under the influence of alcohol or drugs. Employees should also be aware that the City conducts an annual examination of the driving records of all employees who operate City-owned motor vehicles to determine any violations of this policy.

Probation, suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion, restriction, or other disciplinary action, up to and including termination.

3.04 VEHICLE INSURANCE

The City maintains up-to-date insurance coverage on all vehicles owned by the City. Employees who drive a personal vehicle on City business are required to provide the City Secretary with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so may be grounds for disciplinary action up to and including termination.

3.05 ACCIDENT REPORTING

Any employee operating City equipment or vehicles must immediately report all vehicular accidents and property damage or liability claims to his or her department head and to the police department immediately.

Each vehicular accident, no matter how minor, must be reported to the police department so that an official accident report can be filed. Failure to notify the police department immediately may result in disciplinary action. The police department must notify the City Manager of the accident by forwarding copies of all accident reports involving City equipment or vehicles as soon as investigations are completed. The City Manager will forward copies to the employee's department head, the City Secretary, and the personnel file. (Also see section 11 on *Health and Safety*.)

3.06 I.T. AND COMMUNICATIONS

Telephones. Telephones are to be used for City business. It is understood that occasional personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

Wireless Communications. Employees will be advised that internet usage and text messaging from City-issued mobile phones, or mobile phones eligible for expense or allowance, are subject to audit and Open Records requests.

Electronic Mail And Internet Use. In accepting the installation of software to access e-mail and/or the Internet on his/her PC, the employee agrees to conform to the following guidelines regarding e-mail and/or Internet access.

The employee acknowledges that e-mail and/or Internet access is being provided solely to assist in gaining access to information related to the execution of the employee's job duties, and agrees to restrict Web activities to sites pertaining thereto.

The employee agrees not to use e-mail and/or Internet access to generate or receive correspondence or materials that would be construed as fraudulent, illegal, harassing, obscene, indecent, profane or intimidating.

In the course of accessing and utilizing materials found on the Internet, the employee agrees to comply with any copyright or licensing laws pertaining thereto.

The employee agrees not to download from the Internet, and/or circulate among other City staff, any programs or accessories not specifically authorized for use by the City Manager.

The employee recognizes that the information on City e-mail is a matter of public record and that no user has any expectation of privacy regarding e-mail messages sent to or received by the employee.

The employee agrees to close Web browser software and thereby disconnect from the Internet when not actively engaged in Web research, thus reducing the usage of the City's connection.

The employee acknowledges that failure to comply with the above criteria may result in the removal of Internet software and any other disciplinary measures deemed appropriate by the City Manager, up to and including termination.

CHAPTER 4 – HIRING PRACTICES

4.01 METHODS OF RECRUITMENT AND SELECTION

The City has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) competitive consideration of applicants for employment; and/or (4) selection from a valid current eligibility list. A valid current eligibility list is a list of applicants for the same or a similar position for which applications were sought within the last six months. The City Manager determines the method(s) of selection to be used in filling each vacancy.

The City does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the City when a specific vacancy does not exist are informed of this policy and of the City's method of advertising City job announcements. These persons may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

4.02 PUBLIC POSITION ANNOUNCEMENTS

Public announcements of position openings at the City for which there will be competitive consideration are disseminated by the City in the manner most appropriate for the particular position being filled, as determined by the City Manager.

Current employees may apply for positions for which they believe themselves to be qualified, assuming their qualifications are equal to outside applicants and the employee has a consistent record of good performance. If selected for the position for which he or she applied, a City employee can transfer to another City position without reduction of pay if approved by the City Manager and if sufficient funds are available in the receiving department's budget.

The length of time during which applications will be accepted for a given vacant position will be determined by the City Manager or his or her designee in accordance with the circumstances that exist at the time.

4.03 PRIOR SERVICE WITH THE CITY

Employees entering service with the City who have had prior service with the City may be considered for appointment above the customary entry salary level. A break exceeding 60 days in continuous service with the City forfeits any benefits accrued prior to the break. However, an employee reentering City employment may be given credit for prior years of service, and his or her date of employment is adjusted accordingly to entitle the employee to the appropriate level of any current benefits which are based on longevity, if approved by the City Manager.

4.04 QUALIFICATIONS

The City maintains job descriptions that establish the required knowledge, skills, essential functions and abilities for each staff position and the minimum levels of experience and training for each. The job descriptions set forth the minimum acceptable qualifications required to fill the positions. The City Manager establishes and reviews the official job descriptions for positions in the City. The City reserves the right to alter or amend job descriptions at any time without prior notice. Any employee whose job description has been amended or revised shall be notified immediately and provided with appropriate training as needed.

4.05 SELECTION

Except for appointments reserved to the City Council by statute or ordinance, the City Manager has exclusive authority to select and employ all City employees. The City Manager may authorize department heads to appoint and remove employees within their departments, subject to approval by the City Manager and within the limits of these policies and the City's budget. Other supervisors may be asked for recommendations as appropriate.

Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City employees whom the City Manager or any of his or her subordinates is authorized to appoint. However, the City Council or its members may express freely to the City Manager their views and

opinions on such matters.

Vacancies on the City staff are filled by promotion, by transfer, or by competitive interview/selection, on the basis of merit as demonstrated by job-related test performance, education, experience, and personal interview. Selections are made by the City Manager or a department head or supervisor authorized by the City Manager to make the selection.

4.06 AGE REQUIREMENTS

Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any occupation that has been determined hazardous by the United States Department of Labor or by the Texas Workforce Commission. Any prospective City employee under 18 years of age must have written permission (i.e., a signed Minor's Release Form) from his or her lawful parent or guardian on file in the employee's personnel file prior to the first day of employment.

Other age limitations will be applied only as required by specific state or federal law applicable to the City.

4.07 APPLICATION FOR EMPLOYMENT.

Each person desiring employment with the City is required to submit an application and other pertinent information regarding training and experience as required by the City Manager. Applicants may be required to sign authorizations to release information regarding their employment history and driving record to the City. The City will make appropriate inquiries to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. In the case of applicants for positions which require driving a vehicle, the City will check the prospective employee's driving record prior to offering the applicant employment.

4.08 EMPLOYMENT OF RELATIVES (NEPOTISM).

Nepotism is the showing of favoritism toward a relative . The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City.

No person may be hired who is related within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council, City Manager, or any other City officer or employee. No person may continue in City employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the City for a period of:

1. At least 30 days if the officer or member is appointed;
2. At least six months if the officer or member is elected at an election other than the general election for state and county officers; or

In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

4.09 TESTING.

Except for drug tests (see Section 11), medical examinations (see Section 4), psychological tests (for certified police employees only), and any other test that may be required by state law or these policies,

the only performance tests that may be administered for employment or promotion purposes will be specifically job-related. Sample tests include "piece-of-the-job" tests and job related tests (i.e. typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples). The City may conduct pre-employment qualification testing for certain jobs. The tests vary based on the required qualifications for the particular position. Accommodations may be made for applicants with a disability if a request for such an accommodation is reasonable and made in advance of a test.

4.10 PHYSICAL STANDARDS.

All prospective full-time, regular employees are required to undergo a drug test after a conditional offer of employment has been extended. At the discretion of the City Manager, a financial background check may be required for some positions.

In addition, prospective new employees for active police officer certification may be required to undergo an examination by a licensed psychologist or psychiatrist of the City's choice to be paid for by the City.

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the City Manager, chain of command supervisors, and the City Secretary have access to employee medical records.

4.11 VERIFICATION OF ELIGIBILITY TO WORK.

In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign an INS Form 1-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

4.12 DRIVING RECORD.

Every City employee who is required to drive a vehicle or operate a piece of equipment that requires a valid driver's license must maintain a safe driving record. For this reason, the City will check a prospective employee's driving record prior to offering the applicant employment in a capacity that requires operating a vehicle or piece of equipment on City business. The City may recheck an employee's driving record as needed after employment in such a capacity and will periodically recheck the driving records of all employees who operate a vehicle or piece of equipment for the City.

4.13 DISQUALIFICATION.

An applicant is disqualified from employment by the City if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved or cannot be medically certified by the pre-employment medical examination and drug test that the individual is physically fit and/or able to perform the essential functions of the job. For those persons who qualify as disabled under the Americans with Disabilities Act, such disqualification will only occur if the person cannot perform the essential functions of the job with reasonable accommodation;
2. Knowingly has made a false statement on the application form;

3. Has committed fraud during the selection process;
4. Is not legally permitted to hold the position;
5. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
6. Has failed to submit the application to the designated place or within the prescribed time limit;
or
7. Has failed to produce within three days of employment original legal document(s) that establish identity and employment eligibility.

4.14 PLACEMENT ON CITY PAYROLL.

New employees must report to the City Secretary before or during their first day of employment to fill out employment forms and be scheduled for new employee orientation.

4.15 ORIENTATION AND TRAINING.

Before an individual begins performing his or her actual duties, he or she will be given a brief orientation by the supervisor for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand better his or her job and the relationship of the job to the overall operation of the City. During the orientation, employees are given a copy of these Personnel Policies to read and to keep, are informed of continued availability of the policies to them and the reference locations, and are given information about the City benefit programs. Employees are required to sign a statement that they have received and reviewed the policies contained in these Personnel Policies.

CHAPTER 5 – TYPES OF EMPLOYMENT

5.01 INITIAL EMPLOYMENT PERIOD

Every new employee goes through an initial period of adjustment in order to learn about the organization and about his/her job. During this time the employee will have an opportunity to find out if he/she is suited to, and likes, his/her new position. Additionally, the initial employment period gives the employee's supervisor a reasonable period of time to evaluate his/her performance. The initial employment period is six months. As with all periods of employment with the City, an employee may be discharged at any time, with or without cause and without prior notice, during this period. If an employee's supervisor concludes that he/she is not progressing or performing satisfactorily, the employee will be discharged during or at the conclusion of the initial employment period. Under appropriate circumstances, the initial employment may be extended. At the end of the initial employment period, the employee and his/her supervisor will discuss the employee's performance.

Provided his/her job performance is "satisfactory" at the end of the initial employment period, he/she may, at the discretion of the supervisor, continue in the City's employment as an at-will employee.

5.02 CATEGORIES

There are four categories of employment with the City:

1. Regular Full-Time. A regular full-time employee is appointed to an authorized regular position that involves, on the average, 40 work hours per week. Regular full-time employees may be either hourly or salaried employees.
2. Regular Part-Time. A regular part-time employee is appointed to an authorized regular position that involves, on the average, at least 20 but fewer than 40 work hours per week. Regular part-time employees may be either hourly or salaried employees and are categorized as either half-time or three-quarters time. Half-time employees work at least 20 but fewer than 30 hours per week, and three-quarters time employees work at least 30 but fewer than 40 hours per week.
3. Temporary Full-Time. A temporary full-time employee is an employee hired to work an average of 40 hours per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary full-time employees may be either hourly or salaried employees.
4. Temporary Part-Time. A temporary part-time employee is an employee hired to work an average of fewer than 40 hours per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary part-time employees are paid on an hourly basis.

ALL EMPLOYEES OF THE CITY OF BULVERDE ARE EMPLOYED AT WILL, UNLESS THE EMPLOYEE HAS A CONTRACT APPROVED BY THE CITY MANAGER. EMPLOYEES AT WILL MAY RESIGN FROM EMPLOYMENT FOR ANY REASON AND EMPLOYMENT MAY BE TERMINATED BY THE CITY FOR ANY REASON, WITH OR WITHOUT NOTICE.

5.03 BENEFITS.

See *Benefits* section of these policies for details of benefits available to each category of employees.

CHAPTER 6 – EMPLOYEE COMPENSATION AND ADVANCEMENT

6.01 PAYDAYS

The pay period for the City is weekly. If a payday falls on a Holiday, checks will be issued the last working day preceding the holiday.

6.02 CHECK DELIVERY

Paychecks will not be issued other than on the days set out above without the City Manager's approval.

The City Manager may, at his discretion, require all City employees to be paid via direct deposit in lieu of a physical paycheck.

Paychecks, or facsimile checks in the case of Direct Deposit, are distributed to individual employees. Only the employee, or someone with prior written authorization from the employee, may receive the check in person.

No salary advances or loans against future salary will be made to any employee for any reason.

Employees must bring any discrepancy(ies) in their paychecks (such as overpayment, underpayment, or incorrect payroll deductions) to their supervisor's attention immediately, preferably before cashing the check. Failure to report any discrepancy may result in disciplinary action.

6.03 PAYROLL DEDUCTIONS.

The following deductions made from employees' pay checks are either required by federal or state law or approved and authorized by the City Council.

Required federal/state deductions:

1. Federal Social Security and Medicare;
2. Federal income taxes;
3. Court ordered child support; and
4. Any other deductions required by law.

Deductions approved by City Council and authorized in writing by the employee :

1. Texas Municipal Retirement System contributions (regular full-time employees and covered part-time employees contribute and the City also contributes to each covered employee's account);
2. The portion not paid by the City of group health/medical and life insurance premiums for employees and dependents; and
3. Any other deductions authorized by the City Manager and/or City Council.

If there is a change in the employee's family status, address, or any other factor affecting his or her payroll withholding, deductions or benefits status, the employee is responsible for obtaining, completing, and returning to the City Secretary the appropriate forms for communicating these changes.

6.04 PAY

The City Manager is authorized to determine the appropriate range of pay for each City employee position and the pay & other compensation which each particular employee will receive.

6.05 MERIT BASED WAGE AND SALARY INCREASES

During budget deliberations for the coming fiscal year, the City Council may authorize a dollar amount

for merit pay adjustments to be administered by the City Manager to recognize employees for performance and achievement of objectives. The employees' annual performance appraisal serves as the basis for a wage and salary adjustment. Performance appraisals are completed on an annual basis during an employee's annual review and evaluation. All employees will receive an annual review and evaluation in the first quarter of each calendar year. New employees will receive their first annual evaluation in the first quarter of the calendar year to occur during or after their probationary period.

In making a determination regarding a salary increase, supervisors and the City Manager will consider the employee's performance, including but not limited to any increase in responsibilities of the employee and achievement of objectives since the last performance appraisal.

6.06 PROMOTIONS

A promotion is a change in the duty assignment of an employee which results in advancement to a position in a higher pay grade or category requiring higher qualifications and involving greater responsibility. No promotions shall be made solely upon the basis of seniority or longevity.

Promotions are approved by the City Manager within the staffing pattern and budget limits approved by the City Council. Employees who are able to perform the essential functions of the position, with or without reasonable accommodation, and meet the minimum qualifications for a position may be eligible for consideration for a promotion if and when a vacancy occurs.

Following promotion, an employee may be reassigned to a lower position, if available, at any time if performance in the newly promoted position is unsatisfactory as determined by the City Manager.

6.07 LATERAL TRANSFERS

A lateral transfer is the movement of an employee between positions in the same pay range within the City. Lateral transfers may be made within the same department or between departments if a vacant position is available, if the employee meets the minimum qualifications for the job, and if the employee can perform the essential functions of the position, with or without reasonable accommodation. An employee who is laterally transferred may be returned to his or her former position, if available, at any time if performance is less than satisfactory. A transfer may be requested by either an employee, by the supervisor for whom he or she will work if transferred, or by the City Manager.

If a position is reclassified resulting in a lateral transfer; no pay adjustment will take place.

6.08 EFFECTIVE DATES FOR RAISES IN PAY

Any salary adjustments will begin to accrue on the first day of the next full pay period. Notwithstanding the foregoing, annual cost of living adjustments and merit increases shall become effective on the first day of the fiscal year if the City Council has approved an annual budget appropriating funds for said payments prior to the beginning of the fiscal year.

6.09 APPROVING AUTHORITY

The City Manager is the approving authority for all payrolls and payroll transfers granted under the terms of these policies and the annual budget. The City Manager approves performance pay increases. Any performance increases granted by the City Manager must be consistent with the annual budget.

6.10 EMPLOYEE RECRUITMENT AND RETENTION INCENTIVE PAYMENTS

The City Manager may authorize payments to be made to City Employees for the purpose of encouraging employee retention, or for the purpose of inducing candidates to become employees of the City. Payments made in accordance with this section will adhere to the following guidelines:

1. The City Manager will set payment amounts and designate which positions within the City are eligible to receive retention/recruitment incentive payments based on the City's need to retain or recruit qualified personnel for those positions. Positions will only be deemed eligible for payments under this section if the City experiences significant difficulty in retaining or recruiting employees for those positions.
2. Payments affecting multiple positions of the same class and/or function will be uniform among employees within the class. However, employees currently subject to a performance improvement plan are excluded from receiving payments under this section.
3. Retention Payments will be calculated on an annual basis and will be distributed bi-annually in two equal payments approximately 6 months apart (the first week of June & first week of December).
4. Recruitment payments will be calculated per hiring action and will be distributed upon completion of a certain period or periods of employment to be set by the City Manager on a case-by-case basis.
5. Employees in eligible positions must be employed with the City in good standing on the date that payments under the section are distributed in order to be eligible to receive a payment.
6. Payments under this section are subject to the same withholding provisions as an employee's regular pay, as applicable.
7. Payments under this section are a privilege, not an entitlement, and can be canceled at any time.

6.11 LONGEVITY PAYMENTS

1. All regular, full-time City employees are eligible to receive longevity payments as a reward for consecutive service, in accordance with the following provisions:
2. Employees will receive an annual payment equal to \$5.00 for every month they have worked consecutively for the City since their date of hire.
3. Payments under this section will generally be made in the week of Thanksgiving.
4. A regular full-time employee becomes eligible to receive a payment under this section on the first payment distribution occurring after the employee has been employed with the City for more than 12 months from the date of hire.
5. Employees must be employed with the City on the date that payments under the section are distributed in order to be eligible to receive a payment.
6. Payments under this section are a privilege, not an entitlement, and can be canceled at any

time.

6.12 ON-CALL ALLOWANCE

The City may provide a monthly allowance for employees whose positions require the use of cell phones. The on-call allowance is intended to cover expected business usage. An eligible employee receiving an allowance shall be paid a sum of \$10.00 dollars per pay period to offset the cost of standard cellular service. This amount is based upon expected business usage and may or may not cover an employee's entire phone bill.

Employees should be advised that any and all communications regarding official City business conducted on a personal device are subject to audit and Open Records requests, as required by section 552.004(b) of the Texas Public Information Act.

<h2>CHAPTER 7 – WORK SCHEDULE AND TIME REPORTING</h2>

7.01 ADMINISTRATIVE WORKWEEK OR WORK PERIOD - MOST DEPARTMENTS

Normal working hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek.

Schedule Adjustments. Adjustments to the normal hours of operation of City facilities or departments may be made by the City Manager in order to better serve the public. Offices may be required to remain open during the noon hour, and lunch periods for some employees may be staggered according to the requirements of the City.

Number of Hours Worked. The City Manager determines the number of hours worked by an employee for the compensation to be received, subject to applicable law and to the provisions of the City's budget.

7.02 WORK PERIOD AND SCHEDULES - POLICE

Police Officer Work Schedules. The Police Chief, in consultation with the City Manager, sets the work schedule for police personnel and notifies them in writing of their work schedule assignments prior to the beginning of each applicable work period.

Hours Worked. "Hours worked" for purposes of calculating overtime for nonexempt police officers include all hours when an officer is on duty including time spent performing work outside the officer's normal shift if the work is required by the City; time spent testifying in court or in an administrative proceeding if the time is controlled or required by the City, attendance is intended to benefit the City, or attendance is a direct result of the police officer's duties; and time spent in training activities required by the City. "Hours worked" does not include travel time to and from the officer's residence and work, meal time when the officer is on a tour of duty of 24 hours or less and is completely relieved of duties during the meal time, on-call time unless the City places special restrictions on the officer's time so that he/she cannot effectively use the on-call time for his/her own purposes, time spent working for another employer, time spent substituting for another employee by mutual agreement, or time spent in volunteer law enforcement

activities performed for a different jurisdiction.

7.03 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)

Certain executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

Extra hours worked by employees classified as exempt may be used as a factor in granting or denying paid leave other than vacation or sick leave.

The City Manager shall designate which positions are exempt from or covered by (nonexempt) the overtime provisions of the FLSA.

Improper deductions from the pay of exempt employees are prohibited. If an exempt employee believes that an improper deduction from his/her salary has been made, a complaint should be made to the City Finance Director. The City Finance Director will investigate the complaint. Upon a finding by the City Finance Director that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction and the City will make a good faith effort not to make future improper deductions.

7.04 OVERTIME WORKED

The policy of the City is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. For example, in the event of an emergency, such as a natural disaster, employee(s) may be required to report to duty or to be available for duty throughout the duration of the emergency.

Overtime defined. Overtime is hours worked in excess of forty (40) hours per work week. For purposes of calculating the number of hours worked in a week, the City workweek is from Saturday thru Friday.

When computing overtime, the following will not be considered "time worked":

- time off for vacation
- time off for sick leave
- time off for bereavement leave
- time off for personal leave
- time off for bad weather
- time off for comp time used
- time off for floating holiday
- authorized leave without pay
- time off without leave
- time off for jury duty

7.05 OVERTIME COMPENSATION

Non-exempt employees are compensated for overtime worked (defined as more than 40 hours of work

in a seven-day work week) by being given (listed in order of the City's policy preference):

1. At the discretion of the Department Head, equal time off within the same work period; or
2. Payment at the rate of one and one-half times the employee's regular hourly rate; or
3. Compensatory time off may be taken in lieu of paid overtime at the discretion of and upon approval by the City Manager. Compensatory time off is defined as one-and-one-half (1-1/2) hours of time off for every one (1) hour of overtime worked.

7.06 COMPENSATORY TIME

The City discourages the accumulation of compensatory time off at one and one-half times the number of hours worked because of the contingent financial liability this creates for the City.

Compensatory Time Caps will be enforced as noted below:

1. Nonexempt employees may accrue up to 240 hours of compensatory time. The 240-hour limit on accrued compensatory time represents not more than 160 hours of actual overtime worked. Any employee who has accrued 240 hours of compensatory time off shall be paid overtime compensation for additional overtime hours of work.
2. Nonexempt employees engaged in Public Safety or Emergency Response may accrue up to 480 hours of compensatory time. The 480-hour limit on accrued compensatory time represents not more than 320 hours of actual overtime worked. Any employee who has accrued 480 hours of compensatory time off shall be paid overtime compensation for additional overtime hours of work.

7.07 OVERTIME AND HOLIDAYS WORKED

The City's basic policy is that each employee receives a specified number of paid holidays per year, as set forth in an annual notice to employees stating which holidays will be observed in the coming year.

In most instances, if an employee is required to work on a scheduled holiday, he or she will be given an alternate day off.

For additional information on holidays, see the chapter of these policies on Holidays.

7.08 TIME REPORTING

Employees must keep records of all hours worked and leave time taken and, where appropriate, hours credited to particular projects.

Time records must be approved by both the employee and the employee's department head.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the finance department as well as being recorded on the individual department's records.

7.09 "ON CALL" OR "STANDBY" TIME

The vital nature of certain City services requires that some employees be available in an "on call" or

"standby" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. Employees who are on-call may be required to wear a beeper and to respond immediately when notified to report to work by the beeper. Response time should not exceed 30 minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the 30-minute response time. (Legal Reference U.S. Fair Labor Standards Act of 1938, as amended.)

When nonexempt City employees are assigned to be on-call for a particular week, the person(s) designated as on-call will automatically be paid for eight hours at the regular, straight-time hourly rate of pay for any on-call week and four additional hours at the straight-time rate for any holiday during the on-call period. Should there be a second employee in the same department also scheduled for on-call, but only as a back-up to the primary on-call employee, the second employee will automatically be paid six hours at regular straight-time rate of pay for any on-call week and three additional hours at the straight-time rate for any holiday during the on-call period.

If an employee, who has already satisfied overtime requirements, is called in to work while on call, the employee will be compensated at one and one-half times the regular hourly rate of pay for the number of hours actually worked that day, and the balance of the on-call hours will be paid at the regular, straight-time rate of pay. For example, if the employee is called in and actually works three hours on a Saturday or a Sunday, he or she will be paid for three hours at time and one-half and five hours at straight time. If the employee actually works eight full hours on a weekend, the entire eight hours would be at time and one-half, and all remaining overtime hours worked during the rest of the on call would be paid at time and one-half.

The on-call period begins at the end of the regular work period on Friday and ends the following Friday at the same time.

Refusal to report without sufficient justification or repeated non-availability for emergency service will result in disciplinary action, up to and including termination.

All on-call assignments are subject to the approval of the City Manager or the employee's Department Head. The City Manager is hereby authorized to amend the standby policy from time to time to meet the financial, operational, and maintenance needs of the City.

CHAPTER 8 – BENEFITS

8.01 MEDICAL BENEFITS AND LIFE INSURANCE

The City of Bulverde makes available group hospitalization and medical benefits coverage for regular full-time employees and their spouses and dependents and also makes available life insurance for employees who elect to be covered under the group hospitalization and medical plan. Each employee chooses the desired coverage, and the City pays a portion of the premium. The other portion of the premium is deducted from the employee's paycheck. (The City reserves the right to alter or eliminate these benefits at any time). See section on *Continuation of Group Insurance* for information on continued coverage after certain status changes.

8.02 PENSION / RETIREMENT PLAN

The City of Bulverde is a member of the Texas Municipal Retirement System (T.M.R.S.), a nontraditional

joint contributory, defined contribution plan. Membership in the retirement system is mandatory for all regular full-time employees (defined by T.M.R.S. as an employee who works in excess of 1,000 hours per year). Both the employee and the City contribute to the employee's retirement account. All regular full-time employees of the City are covered by T.M.R.S.

Additional information about retirement is contained in the *Separations* section of these policies.

8.03 EDUCATION AND TRAINING

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay for attendance during normal working hours and will cover pre-approved expenses such as tuition or registration fees, and authorized travel, meals, and lodging. Advanced approval must be obtained by the City Manager.

Time spent at a conference, meeting, or seminar will not be compensated and will not be considered "hours worked" for purposes of calculating overtime if four conditions are met:

1. Attendance is voluntary;
2. Attendance is outside of normal working hours;
3. The event is not directly job-related; and
4. The employee performs no productive work during this period.

8.04 WORKERS' COMPENSATION

All employees of the City are covered by the workers' compensation insurance program, and the City pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the sections of these policies under the main heading Health and Safety. (Legal Reference V.T.C.S., Article 8306-8309, esp. 8308 et seq.)

8.05 UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program, and the City pays for this benefit. This program provides payments for unemployed workers in certain circumstances. (Legal Reference Texas Unemployment Compensation Act V.T.C.A. Labor code, Section 207.001, et seq.)

8.06 LEAVE TIME

Regular full-time and regular part-time City employees are eligible for holidays, vacation leave, sick leave, and other types of leave time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of these policies under the main headings Leave Time and Holidays.

CHAPTER 9 – LEAVE TIME

9.01 DEFINITIONS

Leave Time. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid as authorized by the City Manager.

Unauthorized Absence. An unauthorized absence is one in which the employee is absent from regular duty without permission of the department head. Employees are not paid for unauthorized absences and such absences may lead to disciplinary action, up to and including termination.

Abandonment of Position. Abandonment of position is an unauthorized absence from work for a period of three (3) consecutive working days. Such an unauthorized absence will be considered by the City of Bulverde as a resignation. Unless the City determines otherwise, the resignation is not in good standing, and the employee may not be eligible for reemployment. Failure of an employee to return to duty at the conclusion of any authorized leave will also be considered an abandonment of position.

9.02 APPROVAL OF LEAVE

All leave taken by City employees must be approved in advance by the employee's Department Head.

Department heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, department heads are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet for payroll purposes, as well as being recorded in the individual's department. In the case of a disagreement, the central payroll records will prevail.

9.03 VACATION LEAVE

All regular full-time City employees are eligible to accrue paid vacation leave. Employees are encouraged to take regular vacations at least annually.

All regular full-time employees of the City may earn vacation leave. Vacation leave will not be paid upon separation during the first six months of employment.

During the first six (6) months of the probationary period, the employee shall not be eligible to use vacation benefits unless authorized by the City Manager prior to employment. However, upon successful completion of the first six (6) months of the probationary period, vacation days accrued during this period shall be retroactive to the original date of employment, and the employee shall be eligible for vacation earned.

Vacation Leave Accrual Rates. Full-time employees may earn vacation leave as follows:

Regular Full Time Employees

Length of Service

Vacation Leave Earned

Accrual Rate

0-4 years	80 hours per year	6.67 hours per month
5-14 Years	120 hours per year	12 hours per month
15 and Up Years	160 hours per year	13.34 hours per month

Executive Employees

<u>Length of Service</u>	<u>Vacation Leave Earned</u>	<u>Accrual Rate</u>
0 and Up Years	160 hours per year	13.34 hours per month

Executive Employees are those individuals designated by the City Manager on the basis of position and past municipal experience.

A regular employee whose work schedule involves twenty (20) hours or more per week earns vacation leave in the proportion the employee's work time bears to a full-time workweek (see Categories of Employees).

Temporary employees (full-time or part-time) and regular part-time employees who work fewer than 20 hours per week do not earn vacation leave.

Accumulation of Vacation Leave. Vacation leave will be credited to an employee's account on a monthly basis on the first day of the month after the leave time is earned. Vacation leave does not accrue while an employee is on unpaid leave.

Unused Vacation Leave. For Nonexecutive employees no more than thirty (30) days (240 hours) of unused vacation leave time can be carried over to the next year. At the end of the calendar year, any vacation leave balance in excess of 240 hours is reduced to the maximum without compensation. For Executive employees no more than sixty (60) days (480 hours) of unused vacation leave time can be carried over to the next year. At the end of the calendar year, any vacation leave balance in excess of 480 hours is reduced to the maximum without compensation. This section may also be used in conjunction with the below section on “*Buy Back of Vacation and Sick Leave*” at the discretion of the City Manager.

Payment for Unused Vacation Leave Upon Separation. When an employee leaves the service of the City after the first six months of employment, he or she will be paid for any unused vacation leave in his or her account at the time of separation. The rate of pay will be determined by the salary rate in effect at the time of termination. Generally, no payments will be made in lieu of taking vacation except for accrued unused vacation at the time of termination.

Scheduling Vacation Leave. Supervisors should encourage their employees to schedule vacations and request leave well in advance. Vacation schedules must accommodate the City's work schedule; department heads are responsible for establishing vacation schedules for employees in their departments. Provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference in accordance with their seniority. If the desired leave schedules conflict with City requirements, the City's requirements are given first consideration. All leave requests should include the proper documentation (paid time off request form) and approval prior to the scheduled

vacation.

Except for emergencies, or as permitted for Family and Medical leave purposes, requests for vacation leave should be made 2 weeks before anticipated use, unless published department regulations provide otherwise.

A vacation leave request in excess of ten (10) working days must be submitted by the employee at least three weeks in advance and must be approved by the City Manager. An employee may take earned vacation leave in increments of one hour or more.

Use of Vacation Leave. Regular, full-time employees are charged with eight (8) hours of vacation leave for each full day they are absent on approved vacation leave. Use of vacation leave for less than full day(s) or full shifts is recorded in increments of one hour or more.

Buy Back of Vacation and Sick Leave. An employee may request the City to buy back one (1) week (40 hours) of vacation time in one Calendar year. The payment for one (1) week of vacation must be approved by the City Manager. Additionally, the City Manager may authorize the City to purchase up to 40 hours of sick or vacation leave, above the already authorized 40 hours of normal vacation leave buy back, from any City employee in a calendar year if he determines that the performance of said employee merits a compensation enhancement in recognition of superior performance.

9.04 COMPENSATORY LEAVE

See the section of these policies under the main heading Work Schedule and Time Reporting, specifically the section on Overtime Compensation, for information about earning compensatory time and using compensatory leave credits.

9.05 SICK LEAVE

An employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren), or any other relative of the employee who resides in the employee's household and requires the employee's personal care and attention.

Accrual of Sick Leave. Regular full-time and regular part-time employees who work at least twenty (20) hours per week are entitled to paid sick leave. All regular full-time employees accrue sick leave at the rate of eight hours per month; part-time employees accrue proportionate amounts. Employees do not earn sick leave while out on unpaid leave of any type for the entire pay period. Temporary employees do not earn sick leave.

Notification Requirements. Approval of sick leave for nonemergency medical, dental, or optical appointments must be secured at least one workday in advance. In all other instances, the employee must notify his or her supervisor or department head no later than fifteen (15) minutes into their normally

scheduled workday, unless emergency conditions exist, and must request that approval of sick leave be granted. Police personnel must notify the on-duty supervisor at least four hours prior to the beginning of their next assigned shift as to whether or not they will be returning to duty. Any employee on sick leave also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and may result in disciplinary action against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave. Immediately upon returning to work, employees who have been absent on sick leave must complete the required form for sick leave approval.

Use of Sick Leave. Regular, full-time employees are charged with a regular workday of sick leave for each full day they are absent on approved sick leave. For employees who are exempt from FLSA under the executive, administrative, or professional categories, no deduction is made from salary or accrued sick leave for a partial day's absence on approved sick leave.

Abuse or excessive use of sick leave without adequate justification may result in disciplinary action, up to and including dismissal.

Medical Statement. The department head or City Manager may request, and employees must provide upon request, written verification by a physician of illness or other justification precluding availability for duty at any time that sick leave benefits are requested. A physician's statement is required for an absence for which sick leave is requested if the employee is sick for three (3) or more consecutive days. A Return to Duty medical statement is required after five (5) or more consecutive day's absence .

Accumulation of Sick Leave.

1. Sick leave not used by regular employees during the year in which it accrues, accumulates and is available for use in succeeding years up to a maximum of 360 hours for regular full - time employees. Annually, on January 1st of each year, any sick leave balance in excess of the maximum is reduced to the maximum without compensation.
2. Notwithstanding Subsection 1 above, any employee who accrued more than 360 hours of sick leave prior to October 1, 2019, will be permitted accumulate up to a maximum of 720 hours of sick leave. Annually, on January 1 of each year, any sick leave balance in excess of 720 hours is reduced to the 720 hours without compensation. If the accumulated sick leave of any employee covered by this subsection is reduced below 360 hours at any time, that employee shall cease to be covered by this subsection and shall be covered by Subsection 1 instead.

Exhaustion of Sick Leave. An employee who has exhausted accrued sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. This may be done only with the approval of the City Manager. No advance of unearned sick leave benefits will be made for any reason.

Cancellation Upon Termination. Unused sick leave is canceled upon termination of employment without compensation to the employee.

An exception to this policy applies to employees who voluntarily separate after 10 years of continuous employment. See Calculation of Separation Pay in Chapter 13.

9.06 BEREAVEMENT

No more than three (3) days (24 work hours for all full-time, regular employees) per funeral may be granted to regular employees by the City Manager in the event of a death in an employee's family. The length of time granted (number of hours or days) for a specific funeral must be approved by the City Manager in advance and will depend on the circumstances. The terms of, reasons for, and length of leave time approved for the employee to attend the relative's funeral must be documented and filed in the employee's personnel file. Any time in excess of three (3) days will be deducted from vacation or sick leave or will be leave without pay.

For purposes of funeral leave, "family" includes spouse, child, parent, brother, sister, grandparents, or grandchildren of an employee or an employee's spouse. It also includes any relative living in the employee's household who is dependent on the employee for care.

9.07 ADMINISTRATIVE LEAVE

The City Manager, at his or her discretion, may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies. In no event will administrative leave be granted for a period in excess of three (3) months time during any twelve (12) month period.

9.08 INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, see the section under the main heading Health and Safety.

9.09 MILITARY LEAVE

Regular employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time, seniority, or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one federal year. Military leave in excess of 15 days may be charged to vacation leave or leave without pay at the discretion of the employee.

Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their release from active duty.

Requests for approval of military leave must have copies of the relevant military orders attached. (Legal Reference: Leave of Absence for Public Officers and Employees V.T.C.A., Government Code, Section 431.005; Reemployment Following Military Service, V.T.C.A. Government Code, Section 613.001, et seq.)

9.10 JURY DUTY / CITIZENSHIP LEAVE

Employees are entitled to civil leave for jury duty, for serving as a subpoenaed or court-ordered witness in an official proceeding, and for the purpose of voting. Employees serving in this capacity will be paid for their normal wage during their absence.

When an employee has completed civil leave, he or she must report to the City for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

9.11 OTHER LEAVES OF ABSENCE WITHOUT PAY

Leave of absence without pay is an approved absence from duty in a non-pay status.

Granting a leave of absence without pay is at the discretion of the City Manager. Such leave is not authorized unless all applicable accrued paid leave has been exhausted. Approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate. Employees on leave of absence without pay receive no compensation and accrue no leave. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms of the benefit programs. Medical benefits coverage can be continued if the employee continues to pay any required premiums (beyond the City match) in full in a timely manner. The City's health benefits provider may limit the length of time that the medical benefits may be continued.

Revocation of Leave Without Pay. A leave of absence without pay may be revoked at any time by the City Manager.

Authorized Reasons for Leave Without Pay. A leave of absence without pay may be appropriate for the following reasons:

1. Military service (see also the section on this type of leave);
2. Extended illness or temporary disability;
3. Pregnancy or pregnancy-related reasons or for the birth or adoption or placement for adoption of a child;
4. Educational purposes when successful completion will benefit the City; or
5. Any other reason which, in the judgment of the City Manager, merits a leave of absence without pay.

At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. (See also section on Military Leave for specific provisions relating to leave of absence without pay for military service.)

9.12 USING LEAVE IN COMBINATION

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if (1) the employee has accrued vacation leave available, and (2) the employee has not requested temporary leave of absence without pay.

Sick leave cannot be used for vacation purposes.

With the approval of the employee's department head and the City Manager, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interest of the City and the employee. Other types of leave and the related eligibility requirements are discussed earlier in this chapter.

9.13 FAMILY AND MEDICAL LEAVE (FMLA)

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 twelve (12) weeks of unpaid leave each twelve (12) month period for specified family and medical reasons. FMLA provides for up to twenty-six (26) weeks of unpaid leave to care for a covered service member (i.e., the employee's spouse, child, parent, or next of kin) with a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.

FMLA Leave Runs Concurrently With Other Types of Leave. FMLA leave is typically unpaid unless the absence also qualifies for paid leave under another City policy.

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

for at least twelve (12) months, and

for at least 1,250 hours during the twelve (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;

when the employee is unable to perform the functions of his/her position because of his/her own serious health condition;

for a qualifying exigency arising from the employee's spouse, son, daughter or parent going on active duty or on impending call or order to active duty;

to care for a covered service member with a serious injury or illness.

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

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

CHAPTER 10 – HOLIDAYS

10.01 GENERAL POLICY

Holidays are days designated by the City Manager when City offices are closed on what otherwise would be regular business days.

Holidays Observed. The City observes the following paid holidays:

1. New Year's Day
2. Martin Luther King Jr. Day
3. President's Day
4. Good Friday
5. Memorial Day
6. Juneteenth
7. Independence Day
8. Labor Day
9. Comal County Fair Day
10. Columbus Day
11. Veteran's Day
12. Thanksgiving Day
13. the Friday following Thanksgiving
14. Christmas Eve
15. Christmas Day
16. One (1) Floating Holiday, to be used at the employee's discretion with Department Head approval.

Temporary employees (either full-time or part-time) or employees who work fewer than 20 hours per week are not paid for holidays except for holiday hours actually worked.

Regular part-time employees who work at least 20 hours per week are paid for holidays based on the number of hours they would have worked if the holiday had been a regular workday.

The City Manager may designate other holidays. Whenever an approved holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the City Manager.

An employee who is absent without approved leave or is on leave without pay on the workday immediately preceding or following a holiday will not be paid for the holiday.

10.02 WORK DURING HOLIDAYS

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an "around the clock" operation. With the approval of the City Manager, a department head who finds it a business necessity to do so may direct some or all employees of the department to report for work on a holiday.

The City's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In a department requiring around-the-clock operation, the department head, with the approval of the City Manager, may pay an employee an extra day's pay, in addition to his or her regular pay for the holiday, for each holiday worked; or assign a different day allowing the employee the opportunity to observe the holiday.

10.03 HOLIDAY DURING VACATION

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

CHAPTER 11 – HEALTH AND SAFETY

11.01 SAFETY POLICY

The City of Bulverde is committed to providing a safe and healthy workplace and promoting the health and well-being of its employees.

11.02 EMPLOYEE RESPONSIBILITIES AND REPORTS

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety as well as that of other employees.

An employee must report **every** on-the-job accident, no matter how minor, to his or her department head within 24 hours. (Legal Reference Texas Workers' Compensation Act, V.T.C.A. Labor Code, Section 401.001, et seq.)

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action up to and including termination.

11.03 EMPLOYEE SUGGESTIONS

Employees shall report immediately to their department heads any conditions that in their judgment threaten the health and safety of employees or visitors.

Employees are encouraged to make suggestions to their department head for improvements that would make the City workplace safer or more healthful.

11.04 ON-THE-JOB INJURIES

Insurance. The City provides workers compensation benefits for all of its employees. These benefits provide medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than seven days.

Notification. The employee who is injured on the job must report it to his/her supervisor as soon as possible following the injury as outlined above.

Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The City requires statements of medical condition and of release to return to work from the attending physician. An employee may be required to submit to examination by an independent physician as determined by the City Manager at the City's expense. (Legal Reference Texas Workers' Compensation Act. V.T.C.A. Labor Code, Section 401.001, et seq.)

Compensation. If an employee sustains a bona fide, on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, the employee will receive pay from the workers' compensation benefits group.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive either additional holiday pay or other holiday benefits.

Injury leave begins on the first scheduled workday of disability and continues until the employee returns to work or is released to return to work by physician.

Continuation of Group and/or Dependents' Medical Insurance. The City will continue to pay the City's portion of the employee's group medical insurance for a period of time not to exceed 180 days for an employee on injury leave. To continue group and/or dependents' medical insurance after the 180th day on which the employee is on injury leave, the employee must pay both the employee's and the City's portions of these insurance premiums.

Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, acts of God except in certain limited circumstances (i.e., assigned to official duty during a hurricane, lightning storm, etc.), or act of a third-party for personal reasons are excluded specifically from coverage by injury leave with pay. (Legal Reference Texas Workers' Compensation Act, V.T.C.A., Labor Code, Section 401.001, et seq.)

Reporting Requirements. While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the appropriate City supervisor, who passes the report along to the department head, City Secretary, and City Manager. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the appropriate supervisor. In addition, the injured employee must contact his or her supervisor at least once a week to report on his or her condition.

Return to Service. A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the City. Failure to return to work when directed will result in appropriate disciplinary action up to and including dismissal.

Upon receipt of a release to return to work, the City may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position.

Temporary Light Duty Status. During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return to his or her previous job.

Final Release or Settlement. At the time of final release or settlement of a workers' compensation claim, the employee must furnish the City with a certificate from the employee's physician stating the status of the employee's physical condition.

11.05 TOBACCO-FREE WORKPLACE

Employees are prohibited from using tobacco on City property at all times. This prohibition applies to all facilities and grounds that are owned, leased or operated by the City and all City-owned or City-leased vehicles and/or equipment are designated as tobacco-free areas.

The usage of mechanical cigarettes or tobacco-free, smokeless products is also prohibited.

Employees are allowed to possess tobacco products in their personal vehicles. However, possession of tobacco products is prohibited in City facilities.

The use of preventative methods such as nicotine patches and gum are authorized during working hours and on City property.

11.06 DRUG- AND ALCOHOL-FREE WORKPLACE

It is our responsibility to our citizens to assure that we deliver the highest degree of service, which can only be delivered by drug-free employees. For this reason, the City will seek to prevent drug use/abuse during an employee's course of employment with the City.

Drug and/or alcohol testing will be conducted based on reasonable suspicion, following accidents, prior to employment and randomly. Due to the importance of the policy, the City reserves the right to conduct searches and inspections of employees and their personal property to the extent permitted by law. The City has and may, within its sole discretion, conduct inspections at any time of any and all City property which may include lockers, gloveboxes of City vehicles, desks and computers.

In order to maintain a drug-free workplace, an employee may not manufacture, distribute, dispense, possess, use, or be under the influence of the following substances or drug paraphernalia while in the workplace, during working hours, otherwise discharging duties as a City employee, or in a City vehicle:

- A. Illegal drugs, controlled substances, or controlled substances analogues as defined by Texas Health and Safety Code.
- B. 'Alcoholic beverages' means alcohol or any beverage containing more than one-half of one percent of alcohol by volume alone or when diluted.
- C. Drug paraphernalia means equipment, a product or material of any kind that may be used in connection with drugs, as defined by the Texas Health and Safety Code.

Employees who violate the City's Drug and Alcohol policy are subject to discipline up to and including termination of employment. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violator of the policy. All Drug and Alcohol testing will conform to United States Department of Transportation workplace testing requirements.

As a condition of employment, all employees must notify their immediate supervisors within five (5) business days of the conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment. The City will, in turn, report such convictions with then [within ten] (10) business days of learning of the conviction to the appropriate state or federal agency.

Definitions.

1. "**Alcohol**" means ethyl alcohol and includes any beverage, mixture, or preparation containing

ethyl alcohol.

2. "**Controlled Substance**" means any substance for which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of it is illegal under any federal, state, or local law or regulation without permit or prescription. The term includes but is not limited to inhalants, marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens, and other substances having either a stimulant, depressant, or hallucinogenic effect on the central nervous system.
3. "**Drug**" means a chemical substance that produces adverse physical, mental, emotional, or behavioral change in the user.
4. "**Employee**" means every full- and part-time employee of the City and may include volunteers.
5. "**City Property**" means all real or personal property owned or leased by the City including but not limited to land, buildings, appurtenances, improvements, equipment, vehicles, tractors, lockers, closets, desks, and other furniture.
6. "**Under the influence of drugs**" means a presence in the body or urine of a quantity of a drug sufficient to register a positive result on the drug screen utilized by the City.
7. "**Under the influence of alcoholic beverages**" is defined as follows:
 - a. Not having the normal use of mental or physical faculties by reason of the introduction of alcohol into the body or
 - b. Having an alcohol concentration equal to or greater than 0.04 grams of alcohol per 210 liters of breath.

11.07 DRUG AND ALCOHOL TESTING

To ensure compliance with the rules of this policy, the City may require that an employee or job applicant submit to a test to detect the presence of illegal drugs or alcohol as a condition of employment or continued employment under the following circumstances:

Pre-employment Drug and Alcohol Testing. Employment with the City is contingent upon an applicant submitting to Drug and Alcohol testing and upon the City's receipt of test results indicating that the applicant is not under the influence of Alcohol, a Controlled Substance, or illegal Drugs.

Drug and Alcohol Testing After Accident. An employee who is involved in an accident which either damages City Property or results in the employee or any other person having to seek medical attention shall be required to submit to Drug and Alcohol testing immediately following the accident. Failure to submit to the required testing will result in disciplinary action up to and including termination of employment.

Drug and Alcohol Testing Based on Reasonable Suspicion. Employees reasonably suspected of being impaired by or under the influence of illegal Drugs or Alcohol will be required to submit to Drug and Alcohol testing. Failure to submit to the required testing will result in disciplinary action up to and including termination of employment. A determination that reasonable grounds exist will be based on specific, contemporaneous, articulatable observations concerning the appearance, behavior, speech or body odors of the employee. The symptoms of being under the influence may include but are not limited to

slurred speech, alcohol on the breath, and difficulty in maintaining balance. A written record will be made of the observation leading to alcohol or controlled substances reasonable suspicion testing and be signed by the supervisor or City official who made the observations within 24 hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is earlier.

Random Drug and Alcohol Testing. All City employees may be subject to random drug testing, regardless of department or employment status. When random testing occurs, it will be done consistently and methodically without preference or partiality, based on a random computerized selection method or third-party administration. Failure to submit to the required testing will result in disciplinary action up to and including termination of employment.

11.08 OVER-THE-COUNTER / PRESCRIPTION DRUGS

The City reserves the right at all times to determine the effect(s) that any medication (prescribed or over-the-counter) may have upon an employee's work performance and to restrict the employee's work activity or presence at the workplace accordingly.

Employees are directed to notify his/her supervisor when he/she is taking medication that has the potential to affect motor skills and mental clarity. Failure to provide this notification creates an unacceptable risk and will result in disciplinary action up to and including termination.

11.09 TESTING RESULTS; CONFIDENTIALITY

Laboratory reports or test results will be maintained by the City Secretary in a confidential medical file separate from the employee's official personnel file. Laboratory reports or test results will be disclosed to City management on a strictly need- to-know basis and to the tested applicant/employee upon request. Disclosure may also be made when required by law, when the information has been placed at issue in a dispute between the City and the tested applicant/employee, when the information is needed by medical personnel for the diagnosis or treatment of the tested applicant/employee who is unable to authorize disclosure, or when the information is authorized by the tested applicant/employee to be disclosed.

11.10 POSITIVE TEST RESULTS

Termination of an employee or automatic rejection of a job applicant will occur when an employee or job applicant tests positive for the presence of alcohol or controlled substances. All breath samples with an alcohol concentration of 0.04% or greater will result in termination. An alcohol concentration of 0.02% or greater, but less than 0.04% may be subject to disciplinary action up to and including termination.

The following circumstances will serve as an affirmative defense under this chapter:

1. If an employee or job applicant has a valid prescription from a licensed medical practitioner for the positively tested controlled substance.
2. If an employee or job applicant has ingested an over-the-counter medication administered in accordance with the manufacturer's instructions.

The burden of proving such an affirmative defense will rest on the employee or job applicant and not the City. These affirmative defenses will not apply if the drug or medication may have impaired the employee's ability to function safely and the employee failed to notify his/her supervisor, the City Manager or City Secretary.

11.11 TESTING REFUSAL

Refusing to submit to drug or alcohol tests when required by the City will result in non-selection for a job applicant or immediate termination for current employees.

CHAPTER 12 – PERFORMANCE MANAGEMENT

12.01 GENERAL GUIDELINES

The City is committed to the deliberate professional development of its employees. With this professional development comes the requirement that employees adhere to standards and perform their duties in manners consistent with expectations and directions.

Constructive performance feedback and two-way communication are essential to a positive relationship between a supervisor and an employee. In those instances where performance feedback and documented reminders (counseling or coaching sessions, verbal warnings, written warnings, etc) have failed to correct the employee's conduct or performance, Department Directors will need to consider more formal corrective actions.

Employee behaviors or actions that may result in disciplinary steps include, but are not limited to, the following:

Insubordination;

Absence Without Leave, including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;

Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;

Use of Alcohol or Drugs while on duty, in a City vehicle, on City property, or while representing the City of Bulverde;

Alcohol or Drug Abuse while off duty that may affect the performance or safety of the employee or other person(s) while on the job;

Unauthorized Use or Theft of Public Funds or Property;

Possession of Unauthorized Firearms or Lethal Weapons on their persons while on duty, or in City vehicles, or on City property;

Falsification of Documents, Records or Reports;

Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
Unauthorized or Abusive Use of Official Authority;

Violation of the City's Harassment policy;

Failure to Observe the City's Policies Regarding Communications with the public (see

Communications section in Employee Responsibility chapter);

Incompetence or Neglect of Duty;

Disruptive Behavior which impairs the performance of others; or

Other violation of any of the Requirements of these Personnel Policies or any departmental policies not in conflict with these policies.

12.02 PROGRESSIVE DISCIPLINE

The City Manager may take disciplinary action, up to and including dismissal, affecting an employee at any time. The severity of the discipline depends upon the nature of the infraction.

The City may use a progressive discipline system as follows:

1. Verbal Warning / Counseling, with records of each warning maintained by the department head;
2. Written Warning, with records of each warning maintained by the City Secretary; the employee shall acknowledge receipt of the written warning by signing the documents; the employee shall be provided a copy of the written warning upon request and the original shall be filed in the employee's personnel file;
3. Suspension from duty, with or without pay, for up to thirty (30) days and renewable for up to an additional thirty (30) days at a time after review and documentation of the circumstances;
4. Separation by Involuntary Dismissal or Termination of Employment.

Employee terminations require the advance approval of the City Manager.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial official personnel actions.

CHAPTER 13 – SEPARATIONS

13.01 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

Resignation;
Retirement;
Reduction in Force or Lay Off;
Dismissal or Termination;
Disability; or
Death.

13.02 RESIGNATION

An employee who intends to resign must notify his or her supervisor, in writing, of the date on which he or she wishes resignation to be effective. This notification should be given at least ten (10) working days prior to the employee's last day of employment. The department head is responsible for notifying the City Manager within twenty-four (24) hours.

An employee who resigns without sufficient notice is subject to having a written reprimand placed in his or her file documenting this violation of personnel policies, unless there is a valid reason approved by the City Manager for not giving sufficient notice.

All employees separating employment must work their regular schedule including their final workday. Leave cannot be used to extend a separating employee's date of termination unless prior approval has been granted by the City Manager.

The City at its option may elect to accept a resignation immediately.

13.03 RETIREMENT

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice, minimum thirty (30) days, is required to start retirement payments promptly.

See the sections of these policies under the main heading of "*Benefits*" for additional information on retirement.

13.04 REDUCTION IN FORCE OR LAY OFF

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, factors affecting decisions on individual separations may include, but are not limited to: (1) the relative necessity of each position to the organization, (2) transferability of the employee's skills to remaining positions with the City, and (3) the employee's length of service with the City. Nothing in this section should be construed as a waiver or alteration of the employee's at-will status.

Employees who have been laid off may reapply to the City for other positions.

When a regular employee who has completed the probationary period is dismissed as a result of a reduction in force or lay off, he or she will be given a minimum of two (2) weeks' written notice and paid in full to the time of discharge including earned and payable benefits. In addition, the City department head will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

13.05 DISMISSAL/TERMINATION

All employees are employed at will and may be dismissed with or without cause at any time during their employment.

13.06 DISABILITY

In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the City to hold the position open, and if no position is available which the employee could perform, the employee will be separated from employment with the City.

13.07 DEATH

If a City employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death. If probate is not opened, the legal heirs may apply for payment and shall be requested to provide proper indemnification and execute all documents deemed necessary by the City to receive payment of any earned and payable benefits or wages.

13.08 CALCULATION OF SEPARATION PAY

Upon voluntary separation from City employment, a regular employee who has completed at least six months of continuous employment will be paid for accrued unused vacation leave up to the maximum allowable accumulation limit.

Payment for accrued unused leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

1. The total work time and allowable vacation (see section on "Leave" to determine allowable vacation) and compensatory leave time for nonexempt employees will be calculated as a total number of hours for which compensation is due and paid at the employee's regular hourly rate in effect at the time of termination. The employee's regular hourly rate will be determined for most employees by dividing the employee's regular annual salary amount by 2080 hours per year.
2. For employees who are subject to the Fair Labor Standards Act, any overtime hours worked during the employee's final pay period, which have not been compensated through any of the time-off methods described under the Overtime Compensation section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.
3. Compensatory time for nonexempt employees, which has been entered and carried on the employee's records at one and one-half times the number of hours worked, will be paid at the employee's regular straight-time hourly rate for the total number of hours on the employee's compensatory time record.

Unused sick leave will be canceled upon termination of employment, and the employee will not be compensated for it. An exception to this policy applies to employees who voluntarily separate after 10 years of continuous employment.

1. Employees who voluntary separate after 10 years of service: Upon voluntary separation from City employment, a regular employee who has completed at least ten years of continuous

employment shall be paid up to 360 hours of their accumulated sick leave balance at their current rate of compensation.

The employee will receive his or her final paycheck on the next regularly scheduled payday following his or her last day of employment.

13.09 CONTINUATION OF GROUP INSURANCE

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) provides individuals with the option of continuing group health insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would otherwise terminate. A booklet from the City's group insurance carrier is given to each employee at the time of employment which explains these options under the City's carrier at the time the employee is hired. Subsequent revisions in group insurance coverage are explained in subsequent booklets distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the City of any change in family status- separation, divorce, or a child becoming ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for [the] City's supplemented group insurance, the City's [City] will provide a "Continuation of Coverage Elected Form" to be completed by the appropriate person(s). Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

CHAPTER 14 – GRIEVANCES

14.01 POLICY

It is the policy of the City to prevent the occurrence of grievances and to deal promptly with those which occur. All employees of the City of Bulverde utilizing this process are responsible for expressing his/her views in a fair, honest, and respectable manner. The process of appeals of disciplinary actions is an opportunity afforded to employees, not a right. The City is an employer at-will and the opportunity to appeal disciplinary actions does not alter this.

Under no circumstances will an employee be retaliated against in any way for exercising his/her opportunity to appeal. Those found guilty of retaliating against an employee exercising this opportunity during or after the appeal process may be subject to disciplinary action up to and including termination.

A grievance may be filed by an employee on one or more of the following grounds: improper *application* of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin; disciplinary action taken without appropriate justification; improper application of fringe benefits; improper working conditions, or any violation of state or federal law.

The City of Bulverde follows a progressive grievance procedure. An employee may appeal the decision of a supervisor to a department head and, through the chain of command, to the City Manager. However, the employee must follow the procedures outlined in this Section.

14.02 PROCEDURE

The following procedures are applicable to all employees.

Informal Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal, written grievance.

Formal Grievances. Formal grievances must be in writing, signed by the employee, and presented to the employee's department head within ten (10) calendar days after the alleged grievance occurred. Failure to act within the allotted time without justification will result in forfeiture of appeal opportunities.

The grievance document shall include the following:

1. The names of each individual involved in the grievance either as a party whose action is subject to the grievance or as a witness;
2. A description of the basis of the appeal sufficient to reasonably appraise the decision maker of the nature of the grievance;
3. A description of any documentation or physical evidence which should be considered in determining the grievance;
4. If grievance involves a violation of law, a description of the City policy or procedure, ordinance,

State or Federal Law, if any, which the employee in good faith believes has been violated or may be relevant to the appeal as well as a description of how the provision is relevant to the grievance is/are required;

5. A statement of the specific remedial action requested by the employee.
6. Signature of submitting employee and date of submission.

An employee may be represented throughout the grievance process by a representative of his or her choosing.

After being presented with a written and signed grievance, the department head will: (1) consult with the employee and such other persons as may be necessary to gather the facts; (2) notify the City Manager; (3) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (4) communicate the decision to the employee in writing within ten (10) calendar days after date the grievance is filed, sending a copy of the decision to the City Manager.

If the employee either receives no written decision from the department head within ten (10) calendar days from the date the grievance was filed, or the employee is not satisfied with the proposed resolution, he or she must deliver to the City Manager a written statement notifying the City Manager of the employee's desire for an additional review of the grievance within the sooner of five (5) calendar days of receiving the proposed resolution or within fifteen (15) days of the date the grievance was filed. The City Manager will review the facts and the file, may meet with the parties involved, and will respond in writing to the employee within fourteen (14) calendar days of the date the appeal was received in the City Manager's office.

Maximum Time Periods. At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within ten (10) working days in simple grievance matters. In no case should the total time for a final resolution exceed forty (40) calendar days.

Grievances Relating to Unlawful Sexual or other Unlawful Harassment or Discrimination. Any employee may file a grievance related to alleged sexual harassment, other unlawful harassment, or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. Any complaint relating to sexual or other unlawful harassment shall be filed in accordance with Section 15.01, UNLAWFUL DISCRIMINATION AND HARASSMENT. The grievance relating to discrimination should be filed according to the procedure set forth in this Section 14.00, GRIEVANCES.

Documentation. A copy of all documentation relating to the grievance will be forwarded to the City Manager's office immediately upon conclusion of each step in the grievance process to be placed in the employee's personnel file.

Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any decision during the grievance process, he or she must appeal to the next step within the established timeframe. Failure to appeal is a determination that the employee is satisfied with the last decision.

CHAPTER 15 – HARASSMENT-FREE WORKPLACE

15.01 UNLAWFUL DISCRIMINATION AND HARASSMENT

Prohibition. It is the policy of the City of Bulverde that all employees should be able to enjoy a work environment free from all forms of unlawful discrimination and harassment. The City of Bulverde complies with applicable federal, state and local laws prohibiting discrimination in employment and will not tolerate discrimination against any employee on the basis of race, age, religion, color, disability, national origin, sexual orientation or gender, status as a Vietnam-era or special disabled veteran, or any status in any group protected by federal, state or local law. Unlawful harassment is aggressive, suggestive, or offensive behavior based on race, age, religion, color, disability, national origin, or any status in any group protected by federal, state or local law. The City does not tolerate improper interference with the ability of the City's employees to perform their expected job duties.

Harassment Defined. Slurs, jokes, and other verbal or physical conduct relating to an individual's race, age, religion, color, disability, national origin, gender, or any status in any group protected by federal, state or local law.

Sexual Harassment Defined. Sexual Harassment is unlawful harassment that is a form of sex discrimination. Sexual harassment is any unwelcomed or unsolicited sexual advances or requests for sexual favors or any other verbal or physical conduct of sexual nature towards another individual when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct is used as the basis for employment decisions;
3. The conduct has the purpose or effect of substantially interfering with an individual's work or creates a hostile, intimidating, or offensive work environment;

Sexual harassment can include, but is not limited to the following:

1. Suggestive comments, gestures, threats or insults;
2. Flirting, touching, advances or propositions;
3. Sexually degrading words to describe an individual;
4. The display of sexually suggestive objects or pictures.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, which lowers morale and therefore, interferes with work effectiveness.

15.02 ADMINISTRATIVE PROCEDURES

Supervisor's Responsibility. Each supervisor has a responsibility to maintain the workplace free of harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative treatment.

Implementation. It will be the responsibility of the City Manager to inform supervisors and employees of the policy concerning unlawful discrimination and harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation develops.

Procedure for Complaint. Any employee who believes that he or she has been the subject of unlawful sexual or other harassment should report the alleged charge immediately in accordance with the following procedure. (All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter).

Individuals who experience harassment must make it clear to the offender that such behavior is offensive to them. Employees who believe they have witnessed or have become a victim of harassment or discrimination must immediately report their concerns to their supervisor and/or the City Manager. The City Manager or designee will promptly investigate the complaint and will take such remedial action as may be deemed appropriate. Any employee who complains in good faith of harassment will be protected against retaliation or reprisal for making the complaint.

Investigation. Immediately upon receipt of a complaint of unlawful sexual or other unlawful harassment, the City Manager, the City Attorney or other designated representative will conduct a thorough investigation to determine if unlawful sexual or other unlawful harassment has occurred, or if any policy has been violated. If such investigation confirms the allegation, appropriate disciplinary action up to and including dismissal will be taken. All complaints and actions taken to resolve such complaints will be treated as confidentially as possible without impairing the effectiveness of the investigation. The City Manager may consider any evidence deemed relevant in the investigation and review of the complaint including but not limited to:

1. Nature and seriousness of the complained action;
2. The effectiveness and advisability of counseling;
3. Whether transfer of the complainant and/or accused employee would be appropriate;
4. Any contributing factor by the complainant;
5. Previous substantiated unlawful harassment allegations against the employee alleged to have engaged in the harassing behavior or unsubstantiated false allegations by the complainant.

Records of an Unlawful Harassment Complaint Kept Separate. All records concerning a complaint of unlawful harassment shall be kept in a separate locked file in the City Manager's or City Secretary's office. Access shall be only with the City Manager's approval to parties who have a direct and relevant need-to-know, unless access is otherwise required by law of the State of Texas.

Anti-retaliation And False Reporting. The City of Bulverde prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the City of Bulverde determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

CHAPTER 16 – JOB DESCRIPTIONS AND PERFORMANCE EVALUATION

16.01 JOB DESCRIPTIONS

The City Manager shall establish and review a job description for each position in the City.

16.02 DISTRIBUTION

During the employee's orientation, the job description and performance evaluation form for each employee's position will be (1) given to the employee, (2) reviewed by the employee, and (3) a copy placed in the employee's personnel file along with a certification that the employee has reviewed it.

16.03 REQUESTS FOR CLARIFICATION

In the absence of any request for clarification, each employee is presumed to understand the responsibilities assigned to the position which he or she occupies.

16.04 EMPLOYEE PERFORMANCE EVALUATION

Supervisory personnel will conduct a written performance evaluation and an evaluation interview with each City employee at least once annually.

Performance evaluations have the primary purpose of improving the employee's understanding of his or her progress on the job and the department head's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation. Scheduled evaluations provide a required opportunity to assess progress and to plan for future performance improvements but should never replace day-to-day communication between department head and employee regarding performance expectations and actual performance.

The performance evaluations are used for development purposes in identifying strengths and weaknesses and making plans for future performance improvements. Additionally, performance evaluations will be used when considering any performance increases for employees. The City Manager makes the final decision regarding awarding performance increases provided that the City Council has authorized funds available for performance increases in the annual budget.

Performance evaluation records are maintained in each employee's personnel file.

CHAPTER 17 – PERSONNEL FILES

17.01 GENERAL

Personnel records, except medical records, are maintained in a central location. Medical records are kept in a separate confidential file.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Manager or by an employee authorized to do so by the City Manager.

An employee may request a copy of his employee file in accordance with the Texas Public Information Act.

When a supervisor or department head requires access to the official personnel file of an employee under his or her supervision for the handling of personnel matters, the City Secretary will provide access to the specific file(s) after authorization has been obtained from the City Manager.

Employees are expected to inform their department heads of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

17.02 EMPLOYEE STATUS FORM

The Employee Status Form is the official document used to promote uniformity in matters affecting:

1. Employment Category;
2. Position Title and Classification;
3. Other Actions Affecting the Employee's Status;
4. Salary.

The Employee Status Form is completed on the employee's first day of work and again when there is any change in his or her status which relates to employment or benefits. Each Employee Status Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

17.03 CONTENTS OF PERSONNEL FILES

An employee's official personnel file may contain the following:

An employment record;

A copy of the employee's application for employment/resume;

A copy of the employment offer and letter of acceptance, if applicable;

1-9 form;

A signed copy of the employee's acknowledgment of having received and reviewed a copy of the Personnel Policies;

Employee's job description(s);

Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;

Personnel Action Forms;

Records of any citations for excellence, awards for good performance, or job-related training/education;

Records of disciplinary action(s);

Performance evaluations;

Copies of any grievances and related materials; agreements regarding compensatory time off in lieu of overtime pay;

Any other pertinent information having a bearing on the employee's status; and

Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing. Medical records are maintained in separate confidential files.

CHAPTER 18 – PROFESSIONAL DEVELOPMENT

18.01 GENERAL POLICY

The City encourages its regular full-time and part-time (at least twenty (20) hours per week) employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of their work with the City.

18.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees, hotel costs, and/or airline or other public transportation costs. See additional information in Section 19 titled *“Travel and Subsistence”*.

18.03 PROFESSIONAL MEMBERSHIP AND SEMINARS

Subject to the prior approval of the City Manager, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work and proper authorization is obtained in advance.

CHAPTER 19 – TRAVEL AND SUBSISTENCE

19.01 GENERAL POLICY

The policy of the City is that employees are to be reimbursed fully for necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel. All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformity with adopted policies, provided that the travel was properly authorized and that funds are available in the department's budget. In some cases, the City may prepay such expenses as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

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

Travel expenses will be reimbursed for travel within the continental United States only, unless specifically approved by the City Manager. Travel time should follow the most cost-efficient method available by commercial air travel. Employees electing to use other means will be reimbursed only to the extent that total costs do not exceed those which would have been available by the most cost-efficient method of travel.

19.02 IN-CITY TRAVEL

All necessary travel by City employees for authorized conduct of City business within the City is authorized. Reimbursement for meals within the City is allowed only with the advance approval of the City Manager. Reimbursement for the use of private automobiles by employees is made monthly upon submission of required report and request forms. (See below on *Personal Vehicle* for mileage rates.)

19.03 OUT-OF-CITY TRAVEL

Out-of-City travel by City employees is permissible provided that it is authorized in advance by the City Manager and does not exceed budgetary limitations. Reimbursement for out-of-City travel is based upon the most economical conveyance that is reasonably available. When private automobiles are used for out-of-City travel, reimbursement is allowed on the basis of actual mileage traveled or coach class airfare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

19.04 SUBSISTENCE EXPENSES

Employees engaged in necessary and authorized travel in the conduct of City's business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct business for the City. Reimbursable subsistence expenses will generally be for registration, lodging, official business telephone calls, parking, tolls, taxi, and reasonable gratuities (not to exceed one dollar per suitcase, one dollar per taxi fare or fifteen percent of meal costs). The City pays the single room rate only for hotel/motel rooms. If a double room is required, the employee will pay the difference between the single and double room rate. If two employees share a double room, the double room rate is allowable. Under certain circumstances, when the City is host to other jurisdictions, or when special facilities are required, the cost of a suite may be authorized as an allowable expense. The City shall not require employees to share a double room.

It is the policy of the City of Bulverde to pay a per diem for meals to employees who travel for the purpose of conducting City business. Travel must have a clear City purpose. The U.S. General Services Administration (G.S.A.) per diem rates will serve as the basis by which the City of Bulverde will pay for meal expenses incurred during travel. Meals, which are included in the cost of the registration, will be subtracted from the total per diem. When submitting a request for a meal per-diem the employee shall use the following average meal rates derived from the G.S.A. to reduce the total per diem amount: breakfast 20%, lunch 30%, and dinner 50%. A request for per diem may be made in advance of travel.

19.05 PERSONAL VEHICLE

Where use of a personal vehicle is judged to be the most reasonable means of transportation to conduct official City business, reimbursement will be at the maximum rate allowed by the Internal Revenue Service for personal vehicle use for business purposes. Employees are expected to report the shortest distance between point of departure and destinations for all travel. Travel between an employee's residence and the City's office is not eligible for reimbursement.

19.06 EXPENSE REPORT

As soon as an employee returns from a trip, or at least within five (5) days of the date the travel was concluded, he or she must complete an expense report form documenting any actual expenses incurred on the trip which were not prepaid directly by the City to the entity involved. The City will issue a reimbursement check to the employee for allowable out-of-pocket expenses. All reimbursements must be approved by the department head and/or City Manager.

19.07 EXCEPTIONS

Employees who receive monthly automobile allowances are not eligible for mileage reimbursements for travel within the Bulverde area (10-mile radius). Employees who travel in a City-owned vehicle will be reimbursed for documented fuel costs, oil, or other expenses related to the safe operation of the vehicle which were necessary during the course of the employee's use of the vehicle.

When two or more employees travel in single automobile, only one employee will receive per-mile or other automobile reimbursements.

Conference registration checks will be made payable only to the organization sponsoring the conference.

19.08 PROHIBITED EXPENDITURES

Costs of personal entertainment, spouse's expenses, amusements, social activities, alcohol beverages, traffic citations, or illegal activities are not allowable for reimbursement. There may be instances where business or conference social activities which will benefit the City are allowable expenses. Such instances must be approved by the City Manager after consultation with the City Attorney.