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WE ARE AN EQUAL OPPORTUNITY EMPLOYER

It is the continuing policy of the City of Seguin to provide equal employment opportunity to all persons without regard to their race, religion, color, national origin, sex, age over 40 years, or disability (if otherwise qualified for the job).

This policy refers without reservation to all recruitment, selection and placement, training, promotions, compensation, benefits, transfers, layoffs, termination, and any other matter affecting employees within the City of Seguin. This policy will be administered to provide employees with the necessary opportunities for growth and advancement on the basis of individual merit, ability, and capability.

The City of Seguin maintains an Equal Employment Opportunity Plan restating our commitment to apply every effort to the continued development and support of results-oriented programs and procedures designed to assist in providing equal opportunity. This program requires positive efforts on the part of all management to take such action as is necessary to ensure the rights and the rightful place of minorities and females in the workforce.

Our Equal Employment Opportunity Plan also requires our efforts to employ and advance in employment Veterans of the Vietnam Era and qualified disabled individuals. Any applicant or employee wishing to avail themselves of the opportunities for veterans and/or the disabled is encouraged to notify the Human Resource Department of their status and interest. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship, safety and/or other risk.

100 AUTHORITY AND ADMINISTRATION

101 SCOPE OF POLICIES

These policies shall apply to all employees of the City of Seguin.

102 OBJECTIVES

These policies are established to bring understanding, cooperation, efficiency and teamwork to City service through consistent, uniform application of personnel practices. Our goals are:

- to promote quality public service;
- to provide equal employment opportunity for all persons;
- to ensure a classification and compensation plan based on individual merit; and
- to promote pride and high morale among City employees.

103 MISSION STATEMENT

The City of Seguin Strives:

- to be prudent in the use of resources, both natural and fiscal;
- to cooperate with other governments, public and private entities, fellow citizens, and co-workers;
- to work with the safety, health and well-being of our community foremost in our minds; and
- to provide quality services in a courteous and efficient manner.

104 ADMINISTRATION

The City Manager is responsible by authority of the charter for the proper administration of the City. Final authority and responsibility for the administration and enforcement of the policies set forth in this Guide, and all other aspects of the City's operation, shall lie with the City Manager. The Director of Human Resources will assist the City Manager in setting and enforcing standards of employee conduct, welfare, and morale in all departments. The Human Resource Department will be consulted regarding all departmental personnel actions. The Human Resource Department will also see that necessary records are established and maintained.

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200 BENEFITS AND LEAVES

201 VACATION

Vacation time provides employees with an opportunity to rest, relax, and refresh themselves, which benefits both the employee and the City. All employees are encouraged to take their earned vacation.

Subject to the terms and conditions set forth below, regular, full-time employees are entitled to vacation with pay according to the following schedule:

<u>Anniversary Date</u>	<u>Vacation Time Allowable</u>	<u>Bi-Weekly Accruals</u>
1st through 4th years	80 hours	3.08 hours
5th through 14th years	120 hours	4.62 hours
15th and succeeding years	160 hours	6.16 hours
Police:		
1st through 14th years	120 hours	4.62 hours
15th and succeeding years	160 hours	6.16 hours
Fire/EMS:		
1st through 14th years	180 hours	6.93 hours
15th and succeeding years	240 hours	9.24 hours

Vacation leave accrues with each paycheck according to the above schedule. Employees are eligible to begin using accrued vacation after six months of continuous employment.

Vacation leave may accrue from one year to the next to a maximum of two times the employee's current annual vacation. Vacation leave must be earned before it is used. When the maximum accrual is reached, no additional vacation leave accrues until the employee uses vacation leave.

Regular, part-time employees earn paid vacation leave in proportion to the number of hours worked. Temporary and seasonal employees do not earn vacation benefits.

It is likely that the City will be able to permit employees to take earned vacation during the time period requested, and the City will make every effort to comply with the employee's wishes. Naturally, the efficiency of the department and the needs of the public come first, and the City reserves the right to set the times when vacations may be taken. Approval of any paid leave is subject to operational requirements of the department, and any request for paid leave may be denied or rescheduled due to staffing needs and work scheduling of the department. All requests for leave must be submitted within the time designated by the department.

If a holiday occurs during an employee's vacation, the holiday is not chargeable as vacation time, but rather counts as a paid holiday. Employees who are confined to bed during their vacation time due to illness or injury may request that the time of illness or injury be charged to sick leave. The

request must be approved by the immediate supervisor and must be supported by a doctor's certification that the employee was confined to bed during that period of time.

Employees on a leave of absence exceeding 30 calendar days (paid or unpaid) will cease earning additional vacation until they return to active employment.

Upon resignation, an employee may receive pay for any unused vacation leave provided they give two (2) weeks written notice of their resignation and are not subject to discharge for misconduct. An employee may not take vacation leave during this two (2) week period, since the purpose of a two (2) week notice is to enable the City to find a replacement for the vacated position. Any waiver of this rule must be approved by the Department Director and the Director of Human Resources. Employees who are separated from employment and have not completed their six month evaluation period will not be eligible for accrued vacation pay.

202 PERSONAL DAYS

After one (1) year of employment, a Director is eligible for five (5) personal days of paid leave per calendar year. Any unused personal days will not be carried forward to the next year.

203 HOLIDAYS

The City will designate official paid holidays for regular employees as determined by the City Council. The City also provides regular employees with a floating holiday that may be observed on any other day with prior supervisory approval. Employees are not eligible for the floating holiday until completion of six months of continuous employment. Temporary and seasonal employees will be paid for a holiday only if required to work.

As many employees as possible will be given each holiday off, consistent with the maintenance of essential City functions. An employee who works on a holiday as directed may receive equivalent compensatory time off or receive straight time pay at the discretion of the department head. Compensatory time off for holidays, floating, or other holiday time must be taken by March 31st of the following year or be forfeited. Upon termination, an employee will be paid for all holidays not previously taken or paid for.

Holidays falling within an employee's vacation period or within a period of absence properly chargeable to some other leave will be paid as a holiday and will not be counted against that leave.

Employees who are members of religious faiths which celebrate widely-recognized religious holidays, that are not also City holidays, may take leave for those days and charge such time against accrued holiday, floating holiday or vacation leave.

204 PAID SICK DAYS

A regular employee who is unable to work due to personal injury, illness, pregnancy, or the injury, illness, or pregnancy of a member of their immediate family, is eligible to receive paid sick days as described below. Immediate family (for paid sick day purposes) is defined as spouse, child or parent.

Regular full-time employees earn paid sick days at the rate of one working day for each full month of continuous service with the City. Regular part-time employees earn paid sick days in proportion to the number of hours worked. Eligibility for paid sick days begins after six months of continuous employment. ("Working day" for Fire/EMS personnel is equivalent to 12 hours.)

In order to receive paid sick days, employees must notify their supervisors of their request as required by the attendance policy. Absences of three or more consecutive days must be documented by a physician's statement. The statement must include the dates of disability, and if applicable, release the employee to return to work without limitations. A supervisor may at any time require satisfactory proof of the proper use of sick days and may disallow use of sick days in the absence of such proof. The supervisor will report all sick day absences to the Human Resource Department and will submit the physician's statement with the "Hours Detail Report".

A maximum of sixty (60) accumulated paid sick days may be carried forward from one year to the next. Paid sick days must be earned before being granted. When the maximum accrual is reached, no additional paid sick leave accrues until the employee uses sick leave. Earned unused paid sick days are not paid upon termination of employment for any reason. An employee becomes ineligible for paid sick day benefits upon giving notice of resignation. Any waiver of this rule must be approved by the Department Director and the Director of Human Resources.

Paid sick day benefits are not to be used for any purposes other than medical conditions of the employee or their immediate family as defined above. Any attempt to obtain paid sick day benefits by fraud will subject the employee to dismissal.

Paid sick days may be utilized for medical/dental appointments. Medical/dental appointments should be scheduled when the absence will least impact the department's activities. Employees should consult with their supervisor before scheduling such appointments.

205 LEAVES OF ABSENCE

205.1 Family & Medical Leave

Subject to the conditions set forth below, eligible employees who need to care for family members or themselves may be granted up to twelve (12) weeks of unpaid leave per year. In addition, employees who need to care for covered service members in the Armed Forces, National Guard or Reserves who are injured while on active duty may be granted up to twenty six (26) weeks of unpaid leave per year. When determining an employee's eligibility for FMLA leave, the City will use a "rolling" 12-month period looking backward from the start date of the leave each time leave is requested.

To qualify for FMLA leave, the employee must have been employed for at least twelve (12) months and worked at least 1,250 hours during the previous 12 months. Employees who do not meet this requirement should refer to the other types of leave discussed below.

Employees are entitled to take up to 12 weeks unpaid family and medical leave a year for:

1. The birth of the employee's child;
2. The placement of a child with the employee for adoption or foster care;
3. To care for the employee's spouse, child, or parent who has a serious health condition;
4. A serious health condition rendering the employee unable to perform his or her job (includes occupational injuries);
5. A qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active military duty, or has been notified of an impending call to active military duty status in support of a contingency operation.

Eligible employees who are the spouse, child, parent, or next-of-kin (i.e. closest blood relative) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of unpaid leave in a single 12-month period to care for the service member. If military caregiver leave is taken, an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave during "a single 12-month period."

If the reason for FMLA leave is foreseeable (such as planned surgeries or normal births), eligible employees must provide at least 30 days' notice or as soon as practicable, of their intention to take a FMLA leave. If the need for leave is unexpected (such as a serious injury in a car accident or a premature birth), you must notify the City as soon as possible and, in no event, more than two days after knowing of the need for leave. Employees are required to report weekly to their supervisor regarding the status of their medical condition or that of their immediate family member.

Employees are required to use all unused vacation and paid "sick" days at the outset of the leave. Such vacation and "sick" days will run concurrently with the 12 or 26 weeks leave.

The City will continue the employee's health insurance under the same conditions as if the employee were working. This means that the employee must continue to pay the portion he or she normally pays toward the premium or risk cancellation of health benefits during the leave. If the

employee elects not to return to the job, then the employee will owe the health insurance premiums paid to maintain the coverage during the leave, except where the failure to return to work is due to (1) continuation, recurrence, or onset of a serious health condition that would entitle the employee to Family and Medical Leave (either affecting the employee or an immediate family member) or (2) circumstances beyond the control of the employee.

Medical certification will be required for leaves due to the employee's own serious health condition or that of a covered family member, or the need to care for a covered service member. A certification form will be provided with an Eligibility Notice within five (5) days of the request for leave. The form must be completed by your physician and returned to Human Resources within fifteen (15) calendar days. The City reserves the right, at the City's expense, to require a second medical opinion. If the first and second opinions differ, the City may request a third opinion from a healthcare provider designated or approved by both the City and the employer, at the City's expense, which is then binding.

An employee is entitled to return to the same or equivalent position with equivalent pay and benefits if the employee returns within the approved period of leave not exceeding *12 or 26* weeks.

If, however, you do not return prior to the expiration of FMLA leave, there is no guarantee of reinstatement. If you are medically released to return to work prior to the expiration of your FMLA leave and fail either to report to work or to call in with a satisfactory explanation, the City will treat this as a voluntary resignation.

You should notify Human Resources of your intent to return to work, two weeks prior to the anticipated date of return, or of any medically necessary changes in the date of return. If the leave was due to your serious health condition, we will require a "fitness for duty" certification from your health care provider, verifying your ability to return to work, with or without restrictions. The failure to obtain a "fitness for duty" certification may result in the employee not being restored to their employment.

205.2 Other Types of Leave

A leave of absence for a reason acceptable to the City, may be granted to regular full-time and regular part-time employees. To request leave of absence, the employee must make his/her request in writing and at least ten (10) days prior to the requested absence, except in emergency situations. The leave of absence request must be approved in advance by the Department Director after consultation with the Director of Human Resources. Leaves of absence in excess of 30 calendar days, or extensions of previously-authorized leaves, must be approved by the City Manager. In order to be granted leave without pay, all leave balances must be exhausted.

If a leave of absence exceeds thirty (30) calendar days, an employee does not earn any additional fringe benefits such as vacation or paid "sick" days. An employee on unpaid leave on either side of a holiday is ineligible to receive pay for the holiday occurring during the leave. Except where applicable law requires otherwise, employees on leave without pay may continue enrollment of themselves and their dependents under the City's group health plan for ninety (90) calendar days if the applicable premiums are paid.

An employee who does not return to work on the first regular working day following the end of the approved leave of absence shall be discharged, unless an extension is requested in writing by the employee and granted by the City Manager before the expiration of the originally approved leave.

The City will attempt to place an employee returning from a leave of absence in the same job as was held prior to the beginning of the leave, or in a job comparable to that which the employee held before the leave. Except as required by law, however, the City gives no guarantee in this regard. Positions vacated by employees on leave of absence may be filled by temporary or regular hires (normally after ninety (90) calendar days) depending on the needs of the department. The City Manager will decide on filling the vacancy upon the recommendation of the Department Director or Director of Human Resources. If a position is offered to an employee returning from a leave of absence and the employee fails to accept such offer, he/she will be considered as having voluntarily quit his or her employment with the City.

There are six (6) categories of leave that the City may grant:

1. Personal Medical Leave
2. Military Leave
3. Personal Leave
4. Bereavement Leave
5. Jury Duty Leave
6. Paid Administrative Leave

205.2 (a) Personal Medical Leave

Medical leaves of employees eligible for a Family and Medical Leave will be handled as set forth above. The medical leaves of employees who are not eligible for Family and Medical Leave or who have exhausted such leave will be governed by this policy.

In the event a regular employee becomes physically or mentally disabled from working for more than four (4) consecutive days due to personal sickness, injury on or off the job, or pregnancy, the employee may be granted a medical leave of absence for so long as he/she is unable to perform his/her job, up to a cumulative maximum of twelve (12) months (inclusive of FMLA leaves and any extensions granted) in any 24-month period. To qualify for a personal medical leave, the employee must report his/her need for medical leave to the supervisor or manager as soon as possible and must, within one (1) week after the absence begins, furnish the supervisor a doctor's certificate showing the nature of such medical condition and the estimated length of time the employee is likely to remain disabled. During such medical leave, the employee may be required to furnish a similar report from a doctor whenever requested by the City. Depending on the circumstances, moreover, the City may require an employee to submit to an examination by a doctor of the City's choosing at any time, in order to verify the employee's current physical condition. Employees are

required to report weekly to their supervisor regarding the status of the medical condition and their intent to return to work.

Accrued paid sick days may be utilized for personal medical leave when medically certified if the employee has completed six months of continuous employment.

An employee who is disabled because of an occupational illness/injury will be allowed the option to use accrued leave time, if available, to cover his/her absences during the seven-day waiting period before workers' compensation disability payments begin. When disability payments begin the employee will be allowed the option to use accrued leave time to make up the salary differential (if any) between worker's compensation payment and his/her net salary. After 30 calendar days the employee will not be allowed to supplement their worker's compensation benefit and therefore will receive payment from worker's compensation only. Intermittent leave taken due to a work-related illness or injury may be compensable as "lost time" for workers' compensation purposes. Employees have the option to utilize accrued leave to cover these absences or the time may be reported as Workers' Compensation (WC). In the event that the time is submitted as WC the City will not pay for the hours. A report will be made to the City's workers' compensation carrier who will consider the claim for wages. Workers' Compensation benefits do not guarantee payment of 100% of lost wages; and salary continuation is not provided by the City in cases when intermittent absences occur.

The City may require a temporarily, partially-disabled employee to return to active duty, consistent with his or her current physical limitations and safety. An employee who fails or refuses to return to "transitional duty" (see explanation for transitional duty under section 2015) or regular status when requested will be considered to have resigned from employment.

If an employee is released by his/her doctor for return to work, either with or without temporary medical restrictions, the employee must present a doctor's certification of his/her condition to his/her supervisor immediately.

The City will attempt to place an employee returning from a medical leave of absence in the same job as was held prior to the beginning of the leave, or in a job comparable to that which the employee held before the leave. Except as required by law, however, the City gives no guarantee in this regard. Positions vacated by employees on leave of absence may be filled by temporary or regular hires (normally after ninety (90) calendar days) depending on the needs of the department. If a disabled employee is released to return to work and their position has been filled, they will be placed on "Available for Placement Status" (see explanation of available for placement status in section 602.1).

205.2 (b) Military Leave

A leave of absence for service in the Armed Forces or National Guard, or for attendance at regular annual military encampment or cruise, and the terms of reinstatement, shall be governed by the Uniformed Services Employment and Reemployment Rights Act and other applicable laws. Such leave is granted upon written notice to the supervisor and presentation of appropriate military orders.

Employees absent for reserve duty in the U.S. Armed Forces, the Texas National Guard or State Guard will receive paid military leave. Employees must present a copy of their orders for military duty to the Department Director at least two (2) weeks before the date they must report for duty. Should military leave exceed fifteen (15) working days, the employee will have the option of continuing their salary by utilizing accrued leave balances.

To retain re-employment rights under USERRA, the employee must:

- (1) After periods of 30 days of service or less, return to work at the beginning of the first regularly scheduled work day after time for safe travel to his or her residence and 8 hours of rest time;
- (2) After periods of 31 to 180 days, make application for re-instatement no later than 14 days after completion of military service; or
- (3) After periods of 181 days or more, make application for re-instatement no later than 90 days after completion of military service.

An employee entitled to re-employment under USERRA, who performed military service of less than 91 days, is entitled to the job the employee would have attained absent the military service, provided the person is, or can become, qualified for that job. This includes any pay raises that would have been given based solely on time in the position, but not raises that would have been based on performance in the job. For periods of 91 days or more, the returning employee may be placed in a position of like seniority, status, and pay.

205.2 (c) Personal Leave

The granting of leaves for personal reasons is solely within management's discretion and may not, in any event, exceed 30 calendar days in any calendar year. Personal leaves of absence will be granted sparingly, and will require the approval of the City Manager.

205.2 (d) Bereavement Leave

Regular full-time employees may receive leave with pay upon the death of a member of their immediate family. "Immediate family" for the purpose of bereavement leave is defined as child, parent, sibling, grandparent, grandchild, and spouse or spouse's parent, sibling, or grandparent. The supervisor may require the employee to provide proof of death, such as an obituary notice. The employee's supervisor will approve the appropriate amount of time off for bereavement but it shall not exceed three (3) days.

205.2 (e) Jury Duty Leave

All employees will be excused from work for whatever time is necessary when they are called to jury service or subpoenaed as a witness in a court of law. Employees receiving notice of jury call or witness duty are expected to notify their supervisor at the earliest opportunity, and keep their supervisor informed of their expected date of return, so that replacement personnel can be arranged if required.

Regular employees will receive leave with pay to appear in court as a party defendant, or when they are subpoenaed to testify as a non-party witness if any of the incidents or matters about which they

are expected to testify occurred while the employee was acting within the authorized course and scope of their employment with the City. Employees who are parties to litigation, or are subpoenaed to appear in court in other circumstances, will not be paid unless they use vacation leave, personal leave, or accumulated compensatory time. Regular employees called for jury service may receive pay. In order to receive such pay, an employee must present to the supervisor a statement from the court clerk verifying their days of service.

205.2 (f) Paid Administrative Leave

Administrative leave is paid leave which is not charged against vacation or medical leave benefits, and which is granted for various administrative purposes, including, but not limited to:

- inclement weather or disaster—as determined by the City Manager;
- to attend conferences, conventions, or seminars which will enhance the employee’s job performance (paid administrative leave for any one conference, convention, or seminar may not exceed ten (10) working days);
- to represent the City or department at meetings relating to matters of concern to the City or department;
- to attend public relations events beneficial to the City; and
- disciplinary proceedings.

206 SHARED SICK LEAVE POOL

(Policy Revised 02/2016)

The Sick Leave Pool is a benefit that provides eligible employees with additional sick leave in the event of a catastrophic injury or illness that exhausts all other accrued paid leave. A pool of leave is accumulated through voluntary contributions of accrued sick leave from active employees. Employees will authorize the contributions using the “Authorization to Transfer Sick Leave to Sick Leave Pool” form (this form is available in the Human Resource Department). Employees must contribute leave annually to be considered as Sick Leave Pool Members.

Guidelines for making contributions to the pool are as follows:

- Contributions to the Pool are strictly voluntary and must be submitted in writing to the Human Resource Department during open enrollment (month of December);
- Employee must have a minimum of 80 hours (120 hours for Fire/EMS schedule) of sick leave remaining in their balance following contribution;
- Employee may contribute not less than 8 hours (12 hours Fire/EMS schedule) nor more than 40 hours (60 hours Fire/EMS schedule) to the Pool for annual membership;
- Contributions must be made in increments of 8 hours (12 hours for Fire/EMS); and
- Employees may not stipulate who is to receive their contributions to the Pool.

Employees may request an amount equal to their leave balance at the onset of an extended illness or disability, not to exceed 480 hours (720 hours for employees on the Fire/EMS schedule). The amount of leave employee is eligible for is based on their contribution (see chart below).

	Contribution	% of sick leave in balance at time of illness/injury that will be eligible to be matched by pool
	8 hours	20%
	16 hours	40%
	24 hours	60%
	32 hours	80%
	40 hours	100%
Fire/EMS	12 hours	20%
	24 hours	40%
	36 hours	60%
	48 hours	80%
	60 hours	100%

Shared leave may be used intermittently as may be needed for on-going treatment. Requests for shared leave must be made on the “Request for Shared Sick Leave Benefit” form and submitted to the Director of Human Resources. Any sick leave granted under this policy shall run concurrently with any leave an employee is granted under the Family and Medical Leave Act.

All requests will be considered based on the following:

- Only Sick Leave Pool Members are eligible to withdraw leave;
- Employee has been employed full-time for twelve (12) continuous month;
- Total medical disability, of employee or eligible dependent, will exceed four (4) weeks and proper documentation is submitted by the attending physician – eligible dependent is defined as legal spouse, natural child, adopted child, or child for whom the employee is the legal guardian;
- Shared leave has not been utilized within last twelve months; and
- The amount of leave in the pool at the time of the request for leave.

Participation in this plan shall terminate, and the remaining balance of shared leave returned to the pool, if any of the following occurs:

- The participant receives full medical release from treating physician;
- The participant returns to work;
- The participant’s employment is terminated;
- The employee/participant fails to provide medical documentation as requested by the plan administrator or otherwise violates City policy regarding medical leave; or
- On the date of the participant’s death.

207 HEALTH, DENTAL, LIFE, AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE

The City provides health, dental, life, and AD&D insurance to all regular full-time employees, and regular employees who work a minimum of thirty hours per week, beginning the first day of the month following the completion of thirty continuous days of employment. Dependent coverage is also available; however, the employee must pay the premium. Copies of insurance policies are available to all employees.

208 CONTINUATION OF HEALTH PLAN COVERAGE

A federal law commonly referred to as "COBRA" requires that most employers who sponsor group health benefit plans must offer employees and their enrolled family members an opportunity to obtain a temporary extension of coverage under the plan (called "continuation coverage") at group rates upon the occurrence of certain "qualifying events" where coverage under the plan would otherwise terminate. This section describes some of the highlights of this law. **You are instructed to provide this notice to your spouse, if any, upon his or her enrollment in any of our group health benefit plans.**

If the qualifying event is a reduction of hours or a termination of employment for reasons other than gross misconduct, the employee and/or his or her insured spouse and/or insured dependents may maintain continuation coverage for up to 18 months. Additionally, if a second qualifying event occurs during such an initial 18 month period of continuation coverage, such as where a dependent child ceases to be a dependent child under the plan, the continuation coverage can be extended for the affected individual(s) for up to a total of 36 months from the date of the initial qualifying event (the employee's termination or reduction in hours).

If the Social Security Administration determines that any of the affected plan beneficiaries was temporarily or permanently disabled at the time of the employee's termination or hours-reduction, or if an affected plan beneficiary becomes disabled at any time during the first sixty (60) days of continuation coverage under COBRA, continuation coverage may be maintained for the disabled individual(s) (and for enrolled non-disabled family members) for up to an additional 11 months (for a total of 29 months), except that the right to continuation coverage beyond 18 months ceases if and when the Social Security Administration determines that the disabled beneficiary is no longer disabled. In order to obtain such an extension, the disabled plan beneficiary must notify the Plan Administrator of the disability determination, providing such notice before the expiration of the initial 18 month period and within 60 days after the determination of disability. The disabled individual must also provide notice to the Plan Administrator within 30 days after any final determination that the individual is no longer disabled.

If the qualifying event is the employee's death, divorce or legal separation; the employee gaining eligibility for Medicare; or a dependent child ceasing to be a "dependent" under the plan, the employee's covered spouse and/or insured dependents may elect continuation coverage for up to 36 months. Moreover, if the employee becomes entitled to Medicare benefits under Title VIII of the Social Security Act, the continuation period for the employee's spouse and/or dependents may be continued for 36 months after the employee's entitlement to Medicare benefits.

Upon being notified of a qualifying event, the Plan Administrator will provide an election form to the affected plan beneficiaries. In order to obtain continuation coverage for the employee and/or dependents, the employee will have to complete the election form and return it to the Plan Administrator within 60 days. If you and/or your spouse or dependent(s) elect to obtain continuation coverage, you will be required to pay the full applicable monthly premiums (the City's then current group rate for the coverage(s) elected, plus 2% administrative fee, as allowed by law). The initial premiums must be paid within 45 days of the election of continuation. The premium amount may change in accordance with any premium rate changes for the group plans.

Failure to timely pay all premiums due for the initial period will result in cancellation of the continuation coverage, retroactive to the time when coverage would expire if continuation were not elected. Subsequent payments will be due on the first day of each succeeding calendar month. Failure to make timely payments will result in termination of coverage.

In those instances where there is a choice among different types of coverage under an employee's benefit plan(s), each plan beneficiary is entitled to separately elect which type or types of coverage to continue.

All questions about COBRA continuation coverage and all notifications required under this law should be directed to the attention of the Human Resource Department, City of Seguin, 205 North River, P.O. Box 591, Seguin, Texas 78156.

209 RETIREE HEALTH INSURANCE

(Policy Revised 11/2010)

Health insurance coverage refers to the standard group health insurance policy provided by the City of Seguin to its active, regular employees, which offers coverage for a wide range of medical care, services and supplies. Such coverage is subject to the exclusions and limitations of the standard group health insurance policy currently held by the City of Seguin.

Medicare eligible retirees will have the option of electing a Medicare supplement in lieu of group coverage.

209.1 Eligibility

Any employee eligible for retiree health insurance will be notified in writing by the Human Resource Department. The notification will explain his/her eligibility to elect retiree health insurance, the applicable monthly premium rates for the coverage the employee is eligible to continue, and the procedures the employee must follow in order to elect retiree health insurance. Criteria for eligibility are:

- Employee must be eligible for service retirement from Texas Municipal Retirement System and must have a retirement date of December 31, 2002 or later.
- Eligibility to be covered under the COS retiree plan will cease if the retiree becomes eligible for coverage under another group plan.

209.2 Enrollment

- Retirees may enroll themselves and their eligible dependents for coverage on the day the employee retires from the City of Seguin but no later than the last day of the month in which the employee has coverage as an active employee with the City of Seguin.
- The retiree must be enrolled for eligible dependents to be enrolled.
- Retirees are not eligible for participation in the City's plan if eligible for coverage through another employer.
- If coverage for the retiree or eligible dependents is cancelled or the retiree discontinues coverage, there is no re-enrollment right.
- Retirees who elect COBRA (continuation coverage) cannot later elect retiree coverage.

209.3 Premiums/Contributions

Monthly premiums for retiree and dependent coverage will be actuarially established and adopted annually by City Council/City of Seguin Employee Benefit Trust. The retiree group will be separate from the active employee group health premiums. At no time will the contribution, made by the City of Seguin for a retiree, exceed the amount contributed for a regular, active employee.

Retiree Premium

The City of Seguin will make contributions towards the premium for the retiree coverage for employees hired prior to January 1, 2008 according to the following schedule. The City contribution will continue until the employee becomes Medicare eligible at which time the employee will have the option to obtain a Medicare supplement or continue on the City's retiree plan at their own expense. Employees hired on or after January 1, 2008 will not receive a City contribution and will be responsible for payment of the actuarially established premium for retiree and dependent coverage.

<u>MINIMUM # OF YEARS CONTINUOUS SERVICE</u>	<u>MINIMUM AGE</u>	<u>CITY CONTRIBUTION</u>
20	57	50%
25	57	100%

*The City contribution towards retiree coverage is based on a percentage of the City contribution made for active duty employees. Retiree rates will be actuarially established and adopted annually by the City Council/Employee Benefit Trust. Active duty employees contemplating retirement should be aware that qualification for a 100% contribution entitles the retiree to 100% of the contribution made for an active employee but does not necessarily mean retiree insurance coverage will be at no cost.

Dependent Coverage

- The City of Seguin will not pay for any portion of the cost of dependent coverage for a retiree.
- Employees will be allowed to maintain the level of dependent coverage in which they are enrolled at the time of retirement.

- Employees will not be able to add dependents at the time of retirement.
- Upon the death of the retiree the dependent will be allowed to continue coverage until such time as:
 - The spouse remarries or becomes eligible for group coverage through another employer.
 - Coverage for eligible dependents may continue as long as all eligibility requirements of the City's group plan are met.

Payment

All payments for retiree coverage and/or dependent coverage will be due on or before the 10th of the month for coverage of that month. Participants who fail to make payment by the last day of that month will have their coverage cancelled for non-payment. Payments will be made to the City of Seguin/Employee Benefit Trust.

210 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is designed to provide all regular employees with professional, cost effective assistance in resolving difficult personal problems.

All employees and dependents who are covered under the City's Group Health Benefits Plan are eligible for EAP services. Employees experiencing personal and/or psychological problems may call the EAP twenty-four hour hotline at 379-1010 or 1-800-246-1010 to arrange a confidential interview with a referral counselor.

210.1 Participation

Self-referral – When an employee or family member is experiencing a personal or job-related problem, the employee may contact the EAP provider to schedule an initial appointment. Appointments may be made during scheduled work hours, should staffing levels permit, and employee is required to use accrued time, if available for the absence.

Informal referral – If an employee initiates discussion about a personal problem with a supervisor, the supervisor may recommend that the employee use the EAP service. The supervisor may also assist the employee by offering to contact the EAP provider. Appointments may be made during scheduled work hours, should staffing levels permit, and employee is required to use accrued time, if available for the absence.

210.2 Records of EAP Referral/Use

All records pertaining to the EAP will be treated with a high degree of confidentiality.

211 RETIREMENT

The City of Seguin is a member of the Texas Municipal Retirement System, a cooperative organization of Texas cities and towns formed and operating under the provisions of H.B. 166, Act of the 51st Texas Legislature (1949). The purpose of this system is to provide an adequate and dependable plan for the retirement of Texas municipal employees. This plan requires an employee contribution through payroll deductions. An amount is also contributed by the City, and these funds are the basis for the monthly benefits of employees retired under the system. Membership in the retirement system is mandatory for all regular employees who work a minimum of 1,000 hours per year. The employee's contribution to the system is seven percent (7%) of their gross salary.

The City matches the employee's contribution on a percentage determined by the City Council. Employees who leave City employment prior to retirement will, upon request, be refunded their portion of the retirement account plus interest earned on their portion.

Employees are eligible to retire when they have reached at least 60 years of age and have at least 5 years of credited service or at least 20 years of credited service, regardless of age.

When an employee on leave has exhausted all sick and vacation leave and is not receiving pay from the City, TMRS contributions are suspended. An employee receiving worker's compensation may elect to make contributions on a monthly basis in the form of a lump sum payment. The payment would be based upon the amount received from worker's compensation.

TMRS provides Supplemental Death Benefits which in the event of the death of an employee are paid to the beneficiary. If circumstances cause an employee to be absent from city employment for an extended period of time, coverage under the Supplemental Death Benefits program may be extended if certain conditions are met. An application must be made in writing by the employee to the Board of Trustees.

Additional information regarding the Texas Municipal Retirement System may be obtained from the Human Resource Department.

212 CREDIT UNION

City employees are eligible for membership in the Randolph-Brooks Federal Credit Union. In addition, employees' family members are eligible to join, if "sponsored" by the employee.

213 DEFERRED COMPENSATION PLAN

This program provides that regular employees may defer part of their salary for payment at a future date. The deferral allows the employee to enjoy a tax savings by reducing their taxable income, and therefore, their tax liability in the year of the deferral. Deferred income is taxable upon receipt of the benefits. All deductions are to be made only in accordance with a signed participation agreement.

214 WORKERS' COMPENSATION INSURANCE

In the event of an occupational injury or illness all employees will be afforded the protection guaranteed by the applicable Workers' Compensation laws of the State of Texas. Employees who sustain an injury at work may be eligible to receive medical care, as reasonably required, to cure and relieve the effects of the injury/illness, disability (pay under certain circumstances), and/or death benefits.

In conjunction with the legally required benefits, the City of Seguin provides a salary continuation plan. (Refer to section 205.2 (a) entitled Personal Medical Leave).

Employee Responsibilities:

Any employee who sustains an on-the-job injury, regardless of how minor, and who is physically able, must report the injury to their supervisor immediately. Failure to report an injury may disqualify the employee from receiving benefits.

An employee on injury leave must contact their supervisor, and the Human Resource Department, to inform them of their condition and their expected date of return to work. This verbal notification must be followed up by a written physician's statement stating the type and extent of injury and an estimate of the period of time the employee will be unable to perform their duties. After submitting the statement the employee will be required to contact their supervisor on a weekly basis to report their progress and must submit a written physician's statement following each doctor's visit for treatment and/or consultation or upon request.

An employee who has suffered an on-the-job injury or occupational illness will be permitted to return to work only when they have furnished the city a doctor's statement releasing him/her to perform the essential functions of the employee's job. Upon release, the employee may also be required to go through "Fit for Duty" testing (refer to section 2009) before being allowed to return to work.

Salary continuation may be denied or revoked and/or disciplinary action may be taken, up to and including termination, for any of the following reasons:

- Failure to observe safety policies/procedures or because employee was engaged in horseplay.
- Failure to follow treating physician's orders.
- Refusal to perform "transitional" duty when authorized by physician and offered by the City.
- Falsification or misrepresentation of physical condition.
- Failure to communicate with supervisor and Human Resource Department as required.
- Refusal to return to work on date employee was released by physician.
- It is determined that injury occurred while under the influence of alcohol or other intoxicating substance.

215 UNEMPLOYMENT INSURANCE

Texas law provides that, under certain conditions, weekly payments may be made to unemployed individuals from an unemployment insurance fund administered by the Texas Workforce Commission.

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300 CLASSIFICATION AND COMPENSATION

301 PURPOSE

The purpose of the classification and pay plan is to organize personnel matters and to make personnel decisions in an orderly and fair manner for all City employees. Specific objectives of the classification and pay plan are to:

- Properly determine the duties, responsibilities, and necessary qualifications for each position within the City;
- Assist employees and job applicants in understanding each job and the relationships among jobs;
- Group similar positions into classes that can be described by the same job titles, organize these positions, and assign them to pay groups with other classes that should be paid approximately the same;
- Provide an organized system of pay groups and steps to be used to (1) assure equity across departmental lines and (2) reward employees for exceptional performance through pay for performance; and
- Establish procedures for administering and updating the plan.

302 HIRING

New employees are hired into classified positions unless specifically designated as unclassified. New employees are hired at step one of the pay group to which their position is assigned. A new employee may not be hired above step one in the appropriate pay group without approval from the City Manager. The City Manager's approval to hire above step one will be conditioned upon the following:

- The prospective employee's qualifications and/or level of experience exceed the minimum requirements posted for the position or the labor market value has been determined to be higher than step one of the pay group;
- Hiring above step one will not disrupt current internal salary relationships;
- Funds are available in the City's personnel budget to finance the higher pay rate for the remainder of the fiscal year; and
- The action is in the best interest of the City.

A department director must submit justification based on the above criteria to the Director of Human Resources who, after careful review, submits a recommendation to the City Manager.

303 HIRING IN A LOWER PAY GROUP

A new employee, or existing employee being considered for promotion, whose qualifications and/or experience for the position sought are marginal, may be placed at a pay group on the plan below the pay group for the position. An employee will be advanced to the proper pay group after proper qualifications and/or experience is obtained.

304 INTRODUCTORY PERIOD

New or newly promoted employees are required to serve an introductory period of six (6) months. (The introductory period for Firefighters and Police Officers is twelve (12) months). The purpose of the Introductory Period is to give the City and the employee time to determine the suitability of the match between the employee and the position to which they have been assigned.

While all employees are at-will, it is expected that greater than normal scrutiny regarding the appropriateness for continued employment will be applied by both the City and the employee during this period. Supervisor should actively evaluate whether the newly hired/promoted employee's conduct and performance successfully meet the expected standards and requirements.

Extension of Introductory Period – at the discretion the Department Head or their designee, the introductory period may be extended for up to three (3) months.

An employee may be dismissed at any time during the introductory period when, in the supervisor's judgment and with the Department Head's approval, the quality of the employee's work is not such to merit continuation in City service. Prior to the dismissal of an introductory employee, the Department Director will consult with the Director of Human Resources. An employee who has been dismissed from City service for failure to successfully complete the introductory period shall not have the right to appeal, except as provided under the discrimination complaint procedures as set out in the City's Complaint and Grievance Procedures.

An employee who does not successfully complete their introductory period following promotion may, with the approval of the Department Director, revert back to their former position **only** if a vacancy exists.

The successful completion of the introductory period shall not constitute any limitation on the rights of the City of Seguin to manage its affairs. All employees hold their positions at the will and pleasure of the City and such positions may be terminated or otherwise adversely affected with or without cause, when in the opinion of the City Manager such action is in the best interest of the City.

305 MERIT INCREASE

Merit increases may be granted in any year in which the City Council appropriates funds. A merit increase is advancement to a higher step in the same pay group and is granted to recognize good performance in the same position. Merit increases are granted in conjunction with the formal annual performance evaluation of the employee for the current evaluation period.

306 PROMOTION

A promotion is a change in the duty assignment of an employee from a position in one classification to a higher position in another classification in a higher pay group. A promotion recognizes advancement to a position requiring higher qualifications and involving greater responsibility. A typical promotional increase is the greater of five percent or Step 1 of the new pay grade. (For exceptions involving marginally qualified current employees, see section 303 entitled Hiring in a Lower Pay Group.)

307 DEMOTION

A demotion is a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower pay group. An employee who is demoted involuntarily will have his or her pay reduced to a rate at least one pay-step below the rate received before demotion. Involuntary demotions are made at the recommendation of the Department Director, with the approval from the Director of Human Resources and the City Manager. An employee accepting a voluntary demotion will be placed in the lower pay grade at the same pay-step as was previously held. Voluntary demotions will not be approved during the initial six months of employment.

308 PAY DAYS

Employees will receive their paychecks according to the time schedule set by the Finance Department and approved by the City Manager. If a payday falls on a non-work day, employees will be paid on the preceding work day. If an employee is absent from work on payday and wants someone to pick up his/her check, such person must have a note signed by the employee, authorizing them, by name, to receive the check.

The paychecks of non-exempt employees are divided between "regular" and "overtime" pay. Non-exempt employees are prohibited from working overtime unless such work is authorized in advance by his or her supervisor.

309 PAYROLL DEDUCTIONS

Each pay period employees receive an earnings statement which itemizes the deductions from their gross earnings. These deductions fall into two groups: those required by law and those authorized by the employee in writing. Deductions required by law are:

- Texas Municipal Retirement System deduction. In addition to the deduction taken from the employee's pay the City contributes an additional amount to each employee's retirement account.

- Withholding Tax. The amount deducted for Federal Income Tax Withholding payments varies depending upon the employee's earnings and the number of exemptions authorized on the W-4 (Exemption Certificate) and given to the Human Resource Department.
- FICA (Federal Insurance Contributions Act). Employees and Employers pay a percentage of payroll covered wages for social security and Medicare taxes. Together these taxes comprise FICA.

Voluntary deductions authorized by the employee may include payments for health insurance premiums and possibly other items. No such deduction will be made from an employee's paycheck unless it is authorized in writing by the employee.

Under Texas law, the City is not required to take action in the event of garnishment, attachment, or judgments against an employee's earnings. The only exceptions are the collection of court-ordered payments such as child support, IRS and federal government tax levies, delinquent student loans, and bankruptcy liens. We expect the employee to deal responsibly with creditors.

309.1 Permissible Deductions for Exempt Employees

Federal wage-hour regulations permit the following deductions from an exempt employee's salary:

- absences from work for any full day due to personal reasons, other than sickness or disability after having exhausted personal and/or vacation day leave allowance;
- absences from work for any full day due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan;
- suspension for any amount of time for a violation of safety rules of major significance;
- suspension for one or more full days for serious workplace misconduct in violation of City policy;
- days not worked during initial or terminal weeks of employment;
- time that employee takes as unpaid leave under the Family and Medical Leave Act (whether it is full-time leave or intermittent leave or reduced-scheduled leave).

Time off taken by exempt employees for partial day absences due to personal reasons, sickness or disability, jury duty, attendance as a witness, or military leave, may be charged to an employee's vacation or other allowable leave banks.

The employee's paycheck is payment from the City for services rendered, less any applicable deductions. When the employee receives a payroll check, he/she is responsible for making sure the hours, pay rate, and deductions are correct. If an employee believes that his/her salary is subject to impermissible deductions or that a deduction has been taken improperly or in error, it is to be reported immediately to his/her supervisor and/or the Human Resource Department. If anything else on the paycheck is incorrect, it should be taken to the supervisor so that they may see that any errors are corrected. If an employee must cash the paycheck before the error can be corrected, the check stub should be saved. The employee must present the check stub to their supervisor and/or Human Resource Department immediately. If a paycheck error is not reported promptly, the

employee's silence will be treated as proof of the employee's agreement that all calculations are correct. If an employee does not understand how to figure his/her pay or how to read the check, they should seek help from their supervisor so that it can be properly explained.

All reported or suspected improper deductions from an exempt employee's pay will be promptly and thoroughly investigated. If the City determines that improper deductions were made from an exempt employee's salary, the City will promptly reimburse the employee the amounts improperly deducted.

310 DIRECT DEPOSIT

Direct deposit of payroll is required for all employees. The City will allow direct deposit into any account as long as the financial institution has an appropriate ABA Routing Number. One pre-note will be executed prior to funds being transmitted to any account for the first time. Payroll funds may be split and deposited into multiple accounts i.e. checking, savings, etc. Fund availability in the employee's account will depend on the employee's institution. Employees are encouraged to check with their financial institution regarding when payroll funds will be available.

311 OVERTIME

311.1 Police, Fire/EMS Personnel

Pursuant to Section 207 (k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has declared that the work period for its uniformed and/or sworn employees in law enforcement, fire protection, and emergency medical services shall, for overtime pay purposes, be 28 days in length. Law enforcement personnel who work more than 160 hours during this work period will be paid one and one-half (1 1/2) times their regular hourly rate for all such excess (overtime) hours. Fire/EMS personnel who work more than 212 hours during this pay period will be paid one-half (1/2) times their regular hourly rate for all such excess (overtime) hours.

311.2 Other Non-Exempt Personnel

Other City employees entitled to overtime pay (so-called "non-exempt" employee) will be paid one and one-half (1 1/2) times their regular hourly rate for all hours worked in excess of 40 during a 7-day work period. For overtime pay purposes, the work period of such employees begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday.

311.3 Exempt Employees

The minimum wage and overtime pay requirements of the Fair Labor Standards Act (FLSA) do not apply to certain categories of executives, managers, supervisors, administrative personnel, and professional employees. These categories are defined in detail by the FLSA, a copy of which can be reviewed in the Human Resource Department.

Employees who are specifically exempt from overtime payment under FLSA are paid on a salary basis that is intended to compensate them for all hours worked and are therefore not eligible to receive overtime pay for additional hours worked over 40.

311.4 Overtime -- General Provisions

Employees covered by the overtime pay requirements of the FLSA may not start work earlier than their regularly scheduled hours or work later than their regularly scheduled hours unless they have obtained prior permission from their supervisor. Therefore, unless on duty, or on official City business, employees should not be on City premises. The City reserves the right to require employees to work "emergency" overtime on a given day or week. Violation of these requirements subjects the employee to discipline, up to and including discharge.

In determining whether overtime pay rates apply to an employee's work, periods of absence such as holidays, vacation, leaves of absence, medical leave, etc., shall not be counted as "hours worked".

"Emergency" overtime is non-scheduled work time of an emergency nature that falls outside an employee's routine work schedule. An emergency is defined as an unanticipated combination of circumstances that call for immediate action. Regular non-exempt employees who work "emergency" overtime will be paid one and one-half (1 1/2) times their regular hourly rate for such "emergency" overtime if not otherwise required by the FLSA.

312 COMPENSATORY TIME OFF

Regular full-time non-exempt employees may be granted compensatory time off in lieu of overtime wage payments. In such cases the employee will be notified in advance of the work being performed. Compensatory time off will be credited at the rate of one and one-half (1 1/2) hours for each overtime hour worked and recorded on the employee's time sheet. Employees requesting to use their compensatory time off shall be permitted to use such time within a reasonable period after making the request if such use does not unduly disrupt the operations of the department. All regular non-exempt employees may accrue up to 60 hours (40 X 1.5) compensatory time. Compensatory time off should be used within 90 calendar days after the date on which it was earned.

Any time a non-exempt employee with accrued compensatory time promotes to an exempt position that employee's accrual will be cashed out at their non-exempt hourly rate.

Upon termination of employment, a non-exempt employee will be paid for unused compensatory time at a rate of compensation not less than one and one-half (1 1/2) the average regular rate received by the employee during the last three years of the employee's employment or (2) the final regular rate received by the employee, whichever is higher.

312.1 Compensatory Time Off for Exempt Personnel

Exempt personnel are not eligible to receive overtime pay and are expected to put in whatever hours are necessary to complete their job assignments. However, the Department Director may allow compensatory time off (comp. time) as partial compensation for overtime hours worked. Such time off is intended as a benefit to exempt personnel and is not provided on an hour-for-hour basis and is ideally suited for times when several hours during the day are needed to conduct personal business. The Department Director must approve requests for paid leave granted in consideration of extra hours worked. Department Directors are granted five personal days annually on January 1. Those personal days are intended to compensate those personnel for additional hours worked through-out the year. In situations where additional leave is justified the Director should seek approval from the City Manager in advance of taking time off. There will be no monetary reimbursement for additional hours worked by exempt employees unless specifically authorized by City Council.

313 TIMEKEEPING RULES *(Policy revised 2016)*

1. Directors and/or Department Heads will establish a procedure addressing how employees shall track time worked and/or exception hours and will provide department specific deadlines for submission and approval of time entries.
2. All employees will use the Employee Self Serve (ESS) system for tracking time worked and leave hours used. In the event that ESS is not available to the employee a paper time sheet will be completed and submitted to the department delegate for entry into the ESS.
3. Each employee is assigned a username and password for access to the ESS system. Passwords are to be kept confidential and should not be shared with anyone.
4. Employees shall submit their time card to their supervisor for approval on the Monday following the end of the bi-weekly pay period (Saturday @ midnight). In the event of a City holiday falling on a Monday, time will be submitted on the preceding Friday.
5. By submitting one's time the employee is attesting to the accuracy of the information; in effect signing their timesheet.
6. Falsification or misrepresentation of time and attendance information may result in disciplinary action. Any falsification of information or misuse of ESS will be investigated and corrective action taken.
7. Non-exempt employees shall record their hours worked as per their assigned work schedule. Every non-exempt employee shall obtain approval from their supervisor prior to working and reporting time for hours worked in excess of seven (7) minutes prior to or after their scheduled shift start or end time.
8. All overtime shall be authorized in advance by the employee's supervisor.

400 EMPLOYEE RECORDS

401 ACCESSIBILITY TO EMPLOYEE PERSONNEL FILES

The Human Resource Department will strictly limit accessibility to employee personnel files to: the employee; the employee's designated representative (upon presentation of written authorization by employee and stating representative's name); and members of City administration who have a legitimate need for access. Requests from the public for personnel information will be handled in accordance with the Texas Open Records Act.

Original personnel files will not be removed from the Human Resource Department and will be reviewed in the presence of a Human Resource Department employee. Production of such files pursuant to an order of a court or agency will be in accord with applicable law, and fees for reproduction costs will be assessed in accordance with standard rates adopted by the State of Texas. Requested material will be reproduced by Human Resource Department staff only upon approval of the City Manager or the Director of Human Resources.

All employee medical information, including pre-employment physical, worker's compensation reports, etc. are kept in a separate, confidential file. Medical files may only be accessed in the following circumstances:

1. Supervisors and managers as necessary to be informed about restrictions on an employee's work or duties and accommodations that must be provided;
2. First-aid and safety personnel who need information on a disabled employee's need for special assistance in the event of an emergency, or in other necessary circumstances;
3. Government officials investigating compliance with Americans with Disabilities Act and other federal and state laws prohibiting discrimination on the basis of disability;
4. Government officials and agents and contract service providers in accordance with the Worker's Compensation Act; and
5. Contract service providers in connection with the City's group health plan.

402 HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA)

The City, as an employer that sponsors a group health plan, is subject to the Health Insurance Portability and Accountability Act's (HIPAA's) privacy rule. We have adopted privacy regulations designed to safeguard certain protected health information. It is our intent to abide by both the letter and the spirit of the privacy rule.

Protected health information (PHI) refers to individually identifiable, non-employment-related health information received via the City's group health plan. It includes information related to health status, medical condition, claims experience, receipt of health care, medical history, genetic information, and evidence of insurability and disability.

PHI does not include health information received apart from a group health plan to be used for employment purposes, such as information pertaining to Workers' Compensation; short and long-term disability leaves; obligations under the Americans with Disabilities Act, or similar laws.

As plan sponsor, the City only accesses, discloses, or uses PHI for functions related to the administration of its group health plan. We do not access, disclose, or use individual PHI for employment-related actions and decisions, or in connection with other benefit plans.

403 REQUIRED NOTIFICATION OF CHANGE IN EMPLOYEE PERSONAL DATA

It is imperative that employees notify their supervisor and the Human Resource Department concerning any of the following:

- change of address, whether it be mailing or residential;
- change of phone number, whether it be listed or unlisted;
- change in marital status or in number of dependents (this is for the purpose of health insurance and income tax withholding);
- change of beneficiary for employer provided benefits;
- any additional schooling, training, certificates or degrees earned during your course of employment;
- change in social security number; or
- change in driver's license number or status.

404 EMPLOYMENT INFORMATION DISCLOSURE

All requests for information concerning current, retired or past employees must be referred to the Human Resource Department to protect the employee's right to privacy. Only the following information will be released by the Human Resource Department on telephone inquiry:

- Employee name
- Position(s) held and length of service with City
- Confirmation of salary

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500 EMPLOYEE RELATIONS

501 RECOGNITION PROGRAMS

The policies within these guidelines are established to bring understanding, cooperation, efficiency, and teamwork to City services. The programs outlined below have been established to recognize employees who: have achieved outstanding performance; suggested ideas which save time or money; have made outstanding contributions to the work effort; have made a safety suggestion which was implemented and resulted in a safer working environment; or are responsible for a special community achievement or humanitarian deed.

501.1 Safety Awards

Each year at the annual awards luncheon, safety awards are presented to employees and departments who have met the criteria *as follows*:

Safe Department Award: Option 1: High Risk – 1 year without lost time accident; or
Option 2: Moderate Risk – 3 years without lost time accident
(awarded every three years)

High Risk Departments:

Electric	Fire/EMS
Police	Water/Sewer Maintenance
Public Works	Water Corporation
Water Plant	Wastewater Treatment Plant

Moderate Risk Departments:

Planning/Codes	Vehicle Maint.	Utility Services
Parks and Recreation	Animal Services	(Material Coordinator,
Facilities Maintenance	Golf	Material Technician)

Safe Driving Award: The safe driver awards are given to employees who drive City vehicles and have had no accidents and/or no moving traffic violation entries on their driving record for at least 10 years.

Safe Worker Award: The safe worker awards are given to employees that have gone at least five years without a work-related injury resulting in lost time.

NOTE: Employees occupying administrative/clerical positions are not eligible for safety awards.

501.2 Service Awards

In addition to longevity pay, employees are rewarded for their years of service to the City annually. Awards are presented to those employees celebrating "milestone" anniversaries (5, 10, 15 years etc.).

501.3 Longevity Pay

Eligibility:

Police and Fire/EMS employees (excluding clerical and telecommunications personnel) are eligible for longevity pay upon completion of one (1) year continuous service based upon date of hire.

All other regular full-time employees will become eligible for longevity pay after completion of three (3) years of continuous service with the City of Seguin. Longevity pay will be prorated for employees who are on extended leave for a period of more than one month in that particular year at the current year's rate.

Temporary employees who are hired into the position on a regular basis with no break in service, as well as employees who are reinstated in accordance with the City of Seguin's "Reinstatement Policy", will have an adjusted hire date. That adjusted hire date will be used to compute years of service. Credit for temporary service will not exceed six (6) months.

Distribution:

Longevity payments will be made in a lump sum payment equal to \$4.00 per month for each month of service not to exceed \$1,200.00 per year. The longevity pay will be issued in the month of November.

An employee eligible for retirement who resigns by giving at least two (2) weeks' notice will be paid longevity pay based on the number of months of employment in that calendar year. Police and Fire/EMS employees who have completed one (1) year of service and resign will also be paid longevity payments. Longevity pay will be included in the last pay check.

502 EMPLOYEE COMMUNICATIONS

502.1 Employee Advisory Committee

The purpose of the Employee Advisory Committee (EAC) is to provide a forum in which: 1) The City Manager's Office and Human Resource Department may receive advisory input from members of the Committee on matters of organizational significance; 2) Committee members may discuss matters and make recommendations for projects of common interest to all employees including safety issues; policy issues; employee recognition; and training; 3) Committee members may raise issues of common concern to all employees for the purpose of open discussion, enlightenment and clarification. The Committee will not address policies that are department specific in their scope of influence. The EAC shall consist of six (6) employees from various City departments and shall be appointed by the City Manager at the recommendation of the Department Director. The Committee members solicit topics and input from co-workers to be considered for discussion at Committee meetings.

502.2 Suggestion Program

The purpose of the Employee Suggestion Program is to collect ideas, thoughts, and suggestions from employees regarding the policies/procedures under which they work or the conditions in which they work, etc. It provides an opportunity for employees to let their voice be heard.

For employee convenience, "Employee Suggestions Forms" are available in the Human Resource office. Employees may use these forms to document suggestions and/or ideas, however suggestions are accepted in any written format. These suggestions may be submitted to a member of the EAC Committee, Supervisor, Director, or to the Human Resource Department. Suggestions will be reviewed by the EAC Committee and will be held confidential if requested, and may be anonymous. Signed suggestions will receive a response.

502.3 Employee Newsletter

"The Scoop" is published on a quarterly basis and is a newsletter by and about employees of the City of Seguin. Information regarding current events, current city projects and personal interest items will be published. All employees are welcome to submit materials for publication to the Human Resource Department.

503 CITIZEN RELATIONS PROGRAM

Implemented in 1996, the Citizen Relations Program was created to foster a positive relationship with citizens through superior service delivery and active, responsive communications. In addition, the program is intended to foster and maintain a working environment that provides employees and volunteers with education, rewards, and recognition for superior service.

503.1 Citizen Relations Coordinator

This position was established to coordinate requests and complaints from citizens, as well as internally from employees. All employees are encouraged to be alert to potential problems as they travel throughout the City. Any situation or condition requiring City attention, should be reported to the Citizen Relations Coordinator. Examples of things to be reported: missing or downed street or traffic signs, large amounts of brush or trash in or near the roadway, hazards in the streets, etc. In addition, the Citizen Relations Coordinator serves as a clearinghouse of information regarding city services. Employees who are approached by a citizen in the community requesting information the employee does not have, are encouraged to refer them to the Citizen Relations Coordinator.

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600 EMPLOYMENT SEPARATION

601 REDUCTIONS IN FORCE

It may sometimes be necessary for the City to reduce its workforce in one or more areas due to a change in departmental needs or a lack of work or funds. Selections for termination due to a reduction in force will be made by job category and will include consideration of the job skills, past performance, and length of service of the employees involved. No regular full-time employee will be laid off in a department having temporary or part-time employees performing the same duties. Employees who have been terminated due to reduction in force may reapply to the City for another position. Former employees will be given first consideration in the event of a vacancy at or below their former grade and step.

602 JOB INCAPACITY

An employee may be separated from their position if they are no longer physically or mentally able to perform the essential functions of their assigned position, with or without accommodation. Decisions of incapacity will be made jointly by the City Manager and Director of Human Resources and will be based upon the recommendation of a physician selected by the Human Resource Department.

602.1 Availability for Placement Status

If an employee is unable to return to their former position as a result of occupational or non-occupational illness or injury, but can work in another type of job, that employee will be assigned to an "Available for Placement" status. An employee in this position will have forty five (45) calendar days to apply for another job for which they meet the qualifications through the job posting program. "Available for Placement" employees will be afforded the same consideration as other applicants for the same job. If the employee is selected for a job that is at a lower level of compensation than their previous job, their salary will be reduced in accordance with City policy. The employee will be allowed salary continuation up to forty five (45) calendar days through the use of sick and vacation leave (if available, otherwise on leave without pay) as long as the employee actively seeks another job with the City. If the employee is unable to secure another job in the City within forty five (45) calendar days, the employee will be terminated due to incapacity.

603 RESIGNATION AND TERMINATION

Termination can occur for a variety of reasons, including but not limited to unsatisfactory performance and misconduct.

To resign in good standing, employees are expected to submit a written resignation to their department head at least two weeks before the effective date of resignation. If at least two weeks' notice is not provided, all rights to accrued annual leave pay may be forfeited.

All employees are employees at will, and as such, are free to resign at any time with or without reason. The City, likewise, retains the right to terminate employment at any time with or without reason or notice, regardless of the stated frequency for payment of wages or salary (per month, per year, etc.). No promises to the contrary will be binding on the City unless placed in writing and formally approved by the City Manager. Nothing in these guidelines is intended to be, nor should be construed as, a guarantee that employment will be continued for any period of time.

604 EXIT PROCESSING

Employees shall contact the Human Resource Department at least five (5) days before the date of separation from City employment to make arrangements for final pay, benefits administration, and exit interview.

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700 ETHICAL CONDUCT

701 FRAUD PREVENTION AND DETECTION

The City of Seguin is committed to ensuring that the highest standards of moral and ethical behavior are maintained by its employees, administrators and elected officials. To that end the City strives to make sure that the opportunity for fraud, theft and corruption is reduced to the lowest possible risk.

Fraud is the deliberate use or misrepresentation or other deceitful means to obtain something to which a person is not otherwise entitled. It generally involves a willful or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. If an allegation of fraud is substantiated, involved employees will be subject to disciplinary action up to and including termination from employment. Examples of fraud, include, but are not limited to, the following:

- Forgery or alteration of any document or account belonging to the City of Seguin;
- Forgery or alteration of a check, bank draft, or any other financial instrument;
- Misappropriation of funds, securities, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transaction resulting in the personal gain of any individual;
- Disclosing confidential information to outside parties resulting in the personal gain of an individual;
- Accepting or seeking material value from vendors, contractors, or other persons providing services and/or materials to the City;
- Destruction, removal or inappropriate use of records, furniture, fixtures and equipment resulting in the personal gain of an individual; and or
- Authorizing or receiving compensation for hours not worked.

Any employee who has knowledge or reason to suspect any type of fraudulent behavior must notify their supervisor immediately. If the employee is not comfortable reporting this to their immediate supervisor, then the matter can be reported directly to the Department Head, Director, or City Manager. Employees making such a report are protected from retaliation or reprisal by the Whistle Blower Act (Texas Local Government Code, Title 5, Chapter 554).

Failure to report suspected fraud or the report of incorrect or false accusations will be subject to disciplinary action up to and including termination from employment. Knowingly making a false statement that is material to a criminal investigation is a misdemeanor offense under the Texas Penal Code and could lead to criminal prosecution.

702 GIFTS AND GRATUITIES

City employees shall not accept or solicit any gift, favor, or service from any person or business entity doing business with the city that might reasonably tend to influence employees in the discharge of their official duties or grant any improper favor, service or thing of value. Several factors are considered in evaluating whether a gift is prohibited including the value of the gift, any preexisting relationship between the donor and recipient, whether the benefit of the gift flows to the city or to an individual city employee and whether any consideration is given in exchange for the gift. Those items or services that do not constitute prohibited gifts include, but are not limited to the following: 1) political contributions made and reported in accordance with state or local law; 2) awards publicly presented in recognition of public service; 3) entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event as long as the sponsor is present.

703 NON-DISCLOSURE POLICY

The City recognizes the right of all of its employees to speak out on matters of public concern, even when they disagree with an official policy or regulation. Employees should refrain, however, from:

- releasing confidential information about business negotiations conducted by the City, where such disclosure would give an unfair advantage to a party to those negotiations; or
- releasing information regarding an ongoing investigation, where such disclosure would interfere with or compromise the efficient conduct of the investigation or the protection of confidential informants; or
- spreading malicious gossip about anyone in the community, where the employee knows the assertions are false or acts with reckless disregard for their truth or falsity;
- misrepresenting official City or Department policy; or
- acting without permission as an official spokesperson for the City or for a department.

Any employee violating this rule may be subject to disciplinary action. Questions regarding this rule should be presented to the employee's department head, who will seek appropriate guidance from the City Attorney.

704 OUTSIDE EMPLOYMENT

City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part-time jobs if, in the opinion of the City Manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employee shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.

The following guidelines shall apply with regard to outside employment:

- A full-time, regular employee will consider their job with the City as their primary job.
- Before engaging in off-duty employment, employee must have the written approval of their department head. The department head shall seek approval from the City Manager before authorizing the outside employment.
- Permission will not be granted for an employee with an organization or municipality that is in competition with or presents a potential conflict of interest with the City of Seguin.
- All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.
- If the work standards or performance of an employee of the City suffers and it is determined to be caused by outside employment, permission to work at the outside job may be rescinded, or the employee may be subject to discharge.
- The City will not pay medical benefits for injuries or illnesses suffered as a result of employment at another organization.
- The City employee will notify their supervisor immediately upon any change in outside employment status or condition.

705 PERSONAL CONDUCT

705.1 General

All employees will be expected to: perform satisfactorily the job duties for which they have been employed; maintain a high level of personal conduct on the job; render courteous and efficient service to the public; be mindful of safety practices, exercise the utmost care in the use of City property; and report to work dressed appropriate for the position to which they are assigned.

As public servants, City employees are held to the highest standard of ethical conduct. Consistent with this public trust, City of Seguin employees may not:

- use their official positions to secure special privileges or exemptions for themselves or others;
- grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group;
- disclose, without proper authorization, confidential information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information for their own personal gain or benefit, or for the private interests of others;
- engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to them in the course of their employment with the City, or reflect discredit upon the City, or in which their employment with the City will give them an advantage over others engaged in competition with the employee's personal business or vocational pursuits. This shall not prohibit employees from performing the same or other services for another organization that they perform for the City, if the City Manager determines there is no conflict with the City duties and responsibilities;
- represent, directly or indirectly, or appear on behalf of private interests before any agency of the City or any City board or commission, nor shall they represent any private interest in any action or proceeding involving the City, nor shall they accept a retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies;
- use City supplies, equipment, vehicles, or facilities for any purpose other than conducting official City business. Unauthorized use for personal reasons may result in dismissal;
- have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee.

The foregoing list of prohibited activities is not all-inclusive. Any activity violating the public trust is prohibited.

705.2 Other Prohibited Practices

For your guidance, the following is a partial list of actions that are considered against the best interest of the City and its employees. Such actions are subject to discipline, up to and including discharge.

- Theft, abuse, or deliberate destruction or defacing of property not belonging to the employee.
- Attempting to coerce an employee to join or resign from an employee association or organization by means of threats, intimidation, or abusive conduct.
- Falsification of City records, such as employment applications, time sheets, expense reports, etc., or the reason for any employee's absence from work.
- Discourteous, abusive or harassing conduct towards fellow employees or members of the public.
- Revealing, without authorization, confidential information obtained in the course of employment, including confidential City records.
- Fighting or gambling in any form on work premises.
- Knowingly completing another employee's time card or time sheet.
- Tampering with or using fire equipment for purposes other than fire prevention.
- Commission of any crime while on duty or on City premises or vehicles.
- Possession of unauthorized weapons in City facilities or vehicles.
- Possession of explosive materials on City premises or vehicles.
- Acceptance of any commission, kickback, discount, or other thing of value from persons or companies doing business with the City.
- Insubordination (refusal or deliberate failure to follow a reasonable, specific instruction of, or abusive conduct toward, a supervisor).
- Racial, religious, sexist or ethnic slurs or remarks.
- Leaving work during working hours without the permission of the immediate supervisor.

- Carelessness or negligence which results in the destruction or damage of property not belonging to the employee, or endangers life or property.
- Participation in horseplay or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, including the use of abusive, profane, or threatening language.
- Careless or inefficient performance of duties, including failure to maintain proper standards of work performance.
- Malicious gossip or false accusation which tends to destroy friendly relations between the City and its employees or between employees.
- Failure or refusal to cooperate with fellow workers.
- Failure to respond when "on-call".
- Operation of City vehicles without possession of valid and/or proper operator's license or failure to maintain satisfactory driving record.
- Misappropriating City funds, property, or assets.
- Being under the influence of drugs (prescription or non-prescription), alcohol, or any other substance which impairs one's ability to perform the essential functions of his/her job or the possession of such substance in the workplace.
- Positive results of a random, post-accident or reasonable suspicion drug and/or alcohol screen.
- Conviction of any crime which would be a contra-indication of employment with the City.

Certain of the above described actions are subject to criminal prosecution pursuant to Section 39.01 (titled "Official Misconduct") or other appropriate sections of the Texas Penal Code, as well as the City of Seguin's Ethics Ordinance. Copies are available for your review and duplication in the Human Resource Department. All employees should be advised that the City may, but is not required, to pursue criminal charges in addition to disciplinary action as described in these guidelines.

706 PERSONAL RELATIONSHIPS

Romantic or sexual relationships between employees can create conflicts of interest, potential for or actual charges of sexual harassment, and/or discord or distractions that interfere with other employee's productivity. The City strongly discourages such relationships between employees.

City employees who are engaged in a romantic and/or sexual relationship shall not be permitted to occupy a position which places them within the chain of command, permits them to supervise, review or process the work of the other, conduct a performance review of, or otherwise serve in a position where one may have significant influence in determining the advancement, compensation, or other terms and conditions of employment of the other City employee with whom they are engaged in such a relationship.

The term "romantic" and "sexual relationship" includes, but is not limited to, casual dating, serious dating, casual sexual involvement and any other conduct or behavior normally associated with romantic or sexual relationships. The restrictions on romantic and/or sexual relationships apply regardless of the sexual orientation of the employees involved.

707 POLITICAL RESTRICTIONS

City employees are not permitted to use their working time or City resources to participate in a political campaign of another person for an elective position or for any other political purpose. No employee shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate. The following activities are the only activities permitted:

- a) The placement of campaign signs on premises owned or rented by the city employee.
- b) The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city.
- c) Attendance at a political rally or function for a city council candidate, so long as the city employee does not actively participate in the rally or function.

Nothing in this section shall be construed to prevent employees from becoming a candidate for public office, from becoming or continuing to be members of any lawful political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any election. Although certain political acts are prohibited by law, generally, an employee is encouraged to refrain from actively participating in the election of local government officials.

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800 GRIEVANCES AND COMPLAINTS

801 PURPOSE

Insofar as may be possible, it is the intent of the City to anticipate and avoid occurrences of grievances and complaints. However, when such problems occur it is our intention to resolve them as quickly as possible at the supervisory level closest to the origin of the complaint. This procedure assures every employee with a grievance or complaint that they will be given an opportunity to discuss the problem and that corrective action will be taken if warranted.

Employees are encouraged to ask for explanations of policies and procedures and to use the grievance/ complaint procedure whenever necessary. No grievances or complaints can be resolved or corrected unless the employee's supervisor and management are made aware of the problem.

The establishment of a grievance and appeals procedure is based upon:

- The maintenance of good employee relations.
- Expeditious handling of grievances at the supervisory level closest to the problem.
- Establishing a problem solving work environment which assures that all employees can participate in the resolution of those matters which affect them personally.

It is therefore, the policy of the City of Seguin to work with employees in finding fair and just solutions to personnel problems including any grievance questions, misunderstanding or discrimination.

Grievances shall consist of matters of disagreement arising out of the employer/employee work relationship wherein the employee believes that there has been an unfair infraction, breach or misinterpretation of a stated federal or state law, or rule, regulation or policy of the City of Seguin as stated in the Employee Guidelines. Among other things, this definition includes health or safety hazards or alleged discrimination. Performance evaluations, promotional tests and disciplinary actions are not specifically grievable.

802 THE PROCESS

Grievances will be considered only if filed within five (5) working days of when the employee becomes aware, or should have become aware, of the subject matter under complaint.

Step #1. When the employee has a grievance they must first informally discuss the problem with their supervisor. The supervisor must respond to the employee within five (5) working days.

Step #2. If the employee is dissatisfied with the supervisor's response, the employee should prepare a written statement describing the problem and suggested action. This statement will be submitted to the next level of supervision (Department Head/Director) within five (5) working days. The Department Head/Director, employee and employee's supervisor will meet to discuss the grievance. The Department Head/Director may hold a fact finding hearing if necessary. The Department Head/Director will issue a decision on the grievance within five (5) working days of the meeting.

If the grievance is not satisfactorily resolved by the Department Head/Director, it may be presented to the City Manager. Appeals to the City Manager should be in writing and must be submitted within five (5) working days. If the Director/Department Head is the supervisor, grievances may be filed directly with the City Manager or his/her designee.

Only one subject matter shall be covered in any one grievance. If a written grievance is submitted, it shall contain a clear and concise statement of the grievance by indicating reference to the applicable policy, regulation, rule or law that is alleged to have been violated, the date the incident took place, the issue involved and the relief sought.

1. The first level of review shall be the employee's immediate supervisor and the final level shall be the City Manager.
2. Once a grievance and the requested remedy have been submitted in writing, they may not be changed or amended. Such requested change by an employee shall constitute a dropping of the grievance. Initiation of a new amended action must be submitted within the original time period.

All matters of disagreement do not necessarily meet the criteria established for a grievance. These other matters are defined as complaints. Complaints are usually generated by employee dissatisfaction or work-related actions and assignments which are not matters of established City policy but are work rules or practices specific to the department. Nevertheless these sources of dissatisfaction should be corrected or explained and should not be permitted to contribute to reduced morale.

1. A complaint is not authorized to be processed through the formal grievance procedure.
2. A complaint should be presented to the employee's immediate supervisor for discussion and consideration.
3. If a complaint is not satisfactorily resolved by the immediate supervisor, the complainant should reduce the complaint to writing and submit it to the appropriate Director/Department Head for final consideration and action.

If the employee desires, he/she may be assisted by the Human Resource Department. If requested, the Human Resource Department, acting strictly as a neutral party, may render advisory assistance to either the employee or the supervisor. The role of the Human Resource Department is to assist in making the Grievance and Appeals Procedure work efficiently and effectively.

803 PRACTICE

Time limitations: Grievances shall be handled with reasonable promptness, both in submission and processing at each level. Reasonable promptness is defined as a maximum of five (5) working days at each level; however this time may be extended with the agreement of both parties.

Presentation: Although employees are encouraged to submit all grievances in writing, the initial presentation of a grievance may be made orally. All appeals must be in written form.

Procedure: Employees who feel that they have a job-related grievance shall discuss it with their immediate supervisor. The simplest, quickest and most satisfactory solution will most often be reached at this level. If the discussion with the first-level supervisor does not resolve the matter to an employee's satisfaction, the grievance may be appealed to the next level of supervision, proceeding through the regular line of authority to the appropriate Department Head and/or Director. At this point, if the matter is still unresolved to the satisfaction of the employee, an appeal may be made to the City Manager.

The City Council has no authority in grievances. Employees may not appeal to the City Council in the grievance procedure.

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900 PERFORMANCE EVALUATION SYSTEM

901 PURPOSE AND OBJECTIVES

The City of Seguin's employee performance evaluation system is intended to improve the employee's understanding of his/her performance on the job and the supervisor's understanding of the employee's viewpoints about factors that affect his/her performance during the period covered by the evaluation. Scheduled evaluations provide a required opportunity to assess progress and to plan for the employee's professional development and for future performance improvements, but should never replace day-to-day communication between supervisor and employee regarding performance expectations and actual specific objectives of the City's performance evaluation system.

Specific objectives of the City's performance evaluation system are as follows:

- to improve communication between the employee and his/her supervisor regarding expectations of performance and how performance is evaluated;
- to identify individual strengths and areas that need improvement in job performance;
- to serve as a basis for planning and motivating employees and supervisors toward improved job performance;
- to assist the employee and his/her supervisor in judging the employee's job performance;
- to determine training needs;
- to detect changes in jobs and/or organizational problems;
- to assist administrators in making overall and individual personnel decisions including "pay for performance" decisions;
- to meet equal employment opportunity standards for personnel decisions in an objective manner; and
- to improve the quality of public services.

901.1 Scheduling

Each new employee will receive a formal performance evaluation at the end of his or her introductory period (the first six months of employment; twelve months for Police Officers and Firefighters). If the introductory period is extended, another evaluation is required at the end of the extension period.

All regular employees will receive formal, written performance evaluations each year on the anniversary date of their employment. Supervisors may request an unscheduled evaluation for an employee at any time.

Employees that have been promoted will receive a formal performance evaluation six months following the promotion. The employee's date of promotion then becomes the date for their annual evaluation.

901.2 Uses

Evaluations provide information to assist both supervisors and employees in improving their performance and also provide part of the information necessary for decisions to promote, demote, discharge, initiate training, or grant merit increases.

901.3 Annual Performance Evaluation Process

The process for conducting an annual performance evaluation by a supervisor and employee is described below.

- Employee Performance File

Each supervisor should maintain a performance file for each employee under his/her supervision. The file should contain documentation of goals, specific performances, incidents, problems, disciplinary actions or extra efforts made by the employee. This will provide a comprehensive review of the employee's performance over the entire year. Employees may review their file maintained by the supervisor.

- Employee Self Evaluation

This form will be presented to the employee at least one week prior to the scheduled performance evaluation meeting. The employee shall be notified at the time that the form is delivered as to when the supervisor wants the completed form returned (i.e. prior to or at the performance evaluation meeting). Employees should include on this form any accomplishments and achievements occurring during the evaluation period.

- Performance Evaluation Form

Prior to the scheduled review meeting, the supervisor will complete the "Performance Evaluation Form" utilizing and rating the Generic Performance Elements and the Job Specific Elements. A copy of the completed form will be provided to the employee at the performance evaluation meeting to allow the employee to follow along with the supervisor as each element is rated.

- Performance Ratings

Each category on the performance evaluation will be rated separately and should be kept to numbers from 1-5 (5 being the highest rating) in increments of 1,2,3,4, and 5.

Ratings of a 1 are to be accompanied by a statement outlining a performance improvement plan established by the supervisor and acknowledged by the employee. A rating of a 5 is to be accompanied by a statement that highlights the exemplary performance.

Although it is not necessary to justify ratings of 2, 3, or 4, supervisors should be prepared to explain their reasoning for rating an employee at that level.

- Rating Schedule:
(Based upon overall evaluation rating)

90% and above	OUTSTANDING
80-89%	SUPERIOR
70-79%	ABOVE EXPECTATIONS
50-69%	MEETS EXPECTATIONS
40-49%	BELOW EXPECTATIONS
Less than 39%	UNSATISFACTORY

- Evaluation Meeting

The evaluation meeting will be conducted, if at all possible, during the week of the employment anniversary date/annual evaluation date. The employee, supervisor, and the line supervisor (if applicable) shall be present in the meeting. A supervisor or employee may at any time make a special request for a representative from Human Resources to be in attendance. It is not appropriate to have one of the employee's peers witness his/her evaluation. In conducting the meeting, the supervisor should:

- (a) Allow a minimum of one hour for the meeting to ensure adequate time for discussion. Arrange for any work coverage necessary, in advance.
- (b) Minimize interruptions from telephone calls or other personnel.
- (c) The "Performance Evaluation Form" shall be completed in advance. Include any documents that may be needed for reference.
- (d) The employee should be prepared to talk about the evaluation. The evaluator will listen to his/her comments without interruptions.
- (e) Focus on performance, not personality.
- (f) Focus on future goals and improvement.
- (g) Both the employee and the supervisor and any other individuals participating in the evaluation will sign the evaluation form to acknowledge the review meeting and evaluation report.

- Evaluation Review

Following the initial Employee/Supervisor meeting, the supervisor will send the "Performance Evaluation Form" along with the Employee Self Evaluation Form and the Overall Ratings form to the Department Director for his/her review to determine whether or not the documentation is sufficient and the ratings are fair and consistent. The Department Director will then submit all of the above information to the Human Resource Department.

- Merit Increase/Incentive Pay

Eligibility for a merit increase/incentive pay will be determined by the specific criteria and parameters established by the City Manager for the current fiscal year.

When an employee is eligible for a merit increase/incentive pay, the Director of Human Resources will notify the City Manager in writing. The City Manager will review the performance evaluation report and any recommendations. If the City Manager concurs with the results and recommendations, he will notify the Director of Human Resources with written authorization for a merit increase/incentive pay.

When a merit increase/incentive pay is authorized, the Director of Human Resources shall implement the increase in accordance with the following schedule for each fiscal year:

<u>Employment Anniversary Date</u>	<u>Merit Effective Date</u>
July 1 to September 30	October 1 (First full pay period)
October 1 to December 31	January 1 (First full pay period)
January 1 to March 31	April 1 (First full pay period)
April 1 to June 30	July 1 (First full pay period)

901.4 Pay For Performance Consideration

Merit increases/incentive pay may be granted in any year in which the City Council appropriates funds. A merit increase is advancement to a higher step in the same pay group and is granted to recognize exceptional performance in the same position. Merit incentive pay is a one-time payment used to recognize the exceptional performance of an employee who is at maximum in the pay group to which his/her position has been classified. Neither the merit increase or incentive pay is to be used to recognize increased duties and responsibilities and should be granted without regard to cost of living factors. Each full-time, regular employee will be considered for a merit increase or incentive pay based on his/her annual performance evaluation. A merit increase/incentive pay must be recommended by the supervisor and approved by the Department Director, Director of Human Resources and City Manager.

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1000 RECRUITMENT AND EMPLOYMENT

1001 EMPLOYMENT CATEGORIES

There are two general classifications of employees: regular and temporary (seasonal).

- Regular full-time employees are those who work a minimum of forty or more hours per week on a regular basis.
- Regular part-time employees are those who work at least twenty hours per week but less than forty hours on a regular basis.
- Temporary full-time employees are those who work a minimum average of forty or more hours per week and are expected to remain employed for only a limited period of time (such as for the summer) or for a special job task or project.
- Temporary part-time employees are those who work less than forty hours per week and are expected to remain employed for a limited period of time or special project.

1002 JOB VACANCIES

The Human Resource Department shall be notified of current and anticipated vacancies as soon as they occur by the appropriate supervisor.

The Human Resource Department will announce vacancies by the means set forth in the City's Equal Employment Opportunity Plan. Each announcement will specify the title, salary, and nature of the job, the required qualifications, and the deadline and method for application. In addition, each announcement will contain a statement affirming the City's commitment to a policy of Equal Employment Opportunity.

Promotions will occur from within the organization whenever possible and employees are encouraged to develop their qualifications. However, if the organization is to succeed, it must constantly progress and become more efficient. Therefore, it will seek to have in each position the most capable person obtainable to perform a particular job without regard to race, religion, color, sex, age (over 40), disability, or national origin. Depending upon the job and qualifications, internal and external candidates may be considered concurrently.

1003 HIRING AND SELECTION

The City of Seguin is committed to hiring qualified employees, regardless of race, color, religion, national origin, sex, age or disability.

1003.1 Application Process

Applicants seeking full-time, part-time, or temporary employment or re-employment with the City must submit an employment application to the Human Resource Department.

Omission or falsification of any material fact on an application disqualifies an applicant from consideration for employment. If an employee is found to have omitted or falsified a material fact on an application after the employee is hired, he/she will be subject to immediate disciplinary action up to and including termination. The City may take disciplinary action up to and including termination against an employee for the omission or falsification of information during the application, interview and/or selection/hiring process.

1003.2 Selection

Selection for employment with the City of Seguin is based on job-related criteria that may include, but are not limited to:

- Possession of the necessary knowledge, skills, abilities, training, education, and experience required for the position;
- Stable job history;
- Satisfactory results on performance tests, drug screens, physical examinations, psychological exams, WorkSTEPS exams, credit verification as required because of job or law; and
- Satisfactory results on background checks to include criminal history, driving record, employment and education.

1004 REINSTATEMENT

Former employees (includes regular part-time employees) may be considered for rehire if they meet the following conditions:

- Submit a written application.
- Meet the requirements of an open position.
- Were in good standing at the time of termination; if they were not in good standing, the circumstances of the termination will be reviewed.

Individuals returning from military active duty and who are entitled to re-instatement, will be reinstated to their former jobs or provided jobs of similar seniority, status, and pay.

If the City in its discretion rehires an employee within one (1) year after their termination, the employee will be credited with their prior length of service for purposes of determining eligibility for fringe benefits, except that:

- The employee will not be deemed to have earned any fringe benefits during the period of his/her separation; and
- Nothing herein shall be deemed to supersede the requirements for vesting and eligibility for benefits under the Texas Municipal Retirement System.

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2000 RULES AND POLICIES

2001 ASSIGNMENT OF CITY PROPERTY

Employees may be assigned City owned vehicles, lockers, desks, cabinets and cases for the mutual convenience of the City and its personnel. All personnel are cautioned that the retention of personal items in such containers or facilities is at the risk of the employee and the City will not be responsible for any losses. Such equipment is subject to entry and inspection without notice, even if the employee has placed a personally owned lock on City property. Employees are held responsible for the return of all City property at supervisor's request or upon termination of employment. Therefore, employees should not bring to work or keep on City premises personal materials or items they wish to keep private. Consent to such searches is a condition of employment and failure to make City property available for search may result in disciplinary action, up to and including termination.

An employee shall not, regardless of value, take City property without authorization. The use of any City property, equipment, or facility for personal gain, or for other than official use is forbidden. The theft or borrowing of tools or any other equipment, removing property from a City work-site, including new, used or discarded materials, office supplies, photocopy machines, mailing services, long distance telephone service, or any other service under City controls for personal business or gain, or for other than official use is prohibited.

An employee who causes or permits loss or damage to City property or issued equipment to occur through an act of unauthorized use, or through an act or omission that constitutes misconduct or negligence is obligated to repay the City for the loss or damage.

2002 ATTENDANCE

Punctuality in reporting for work and regular attendance are absolutely essential to the City's fulfillment of its mission to the citizens of our community. We are all members of a team, and no team does its best unless everyone is on hand, prepared for a working day, and ready to start at the same time.

When an employee knows in advance of an impending absence, he/she must request permission to be absent from their supervisor at least twenty-four (24) hours in advance of the scheduled work shift. The supervisor will evaluate the reason for the absence and decide whether the employee may be excused. An unexcused absence will be unpaid and subjects the employee to disciplinary action.

If, because of some personal or family emergency or illness, an employee is unable to give advance notice of an absence, he/she must notify their supervisor as soon as possible on the day of absence. In no event shall an employee notify their supervisor later than the first half-hour of his/her shift.

If an employee expects to be late by more than thirty (30) minutes, he/she must call their supervisor and inform them of the delay. An employee who is late for work will forfeit pay for the actual time they are late, calculated to the nearest one-quarter (1/4) hour.

If unable to reach the immediate supervisor or Department Director, the employee should contact the Human Resource Department to report their absence or tardiness.

Excessive absenteeism and tardiness and failure to report an absence reflect poorly on the employee's work record. An employee with an absenteeism and/or tardiness record will be subject to disciplinary action, including discharge. An employee having one unexcused absence in any twelve (12) month period will be warned in writing by their immediate supervisor that any further unexcused absence may result in their termination from City employment. The second unexcused absence in a twelve (12) month period will result in the employee's termination.

If an employee is absent and the City does not hear from him/her for two (2) consecutive work days, he/she will be considered as having abandoned their job, and the City will process the work separation as a voluntary resignation. If the employee is absent for medical reasons for three (3) or more consecutive work days, the employee may not return to work without a report from a doctor giving the date of his/her illness or injury and releasing him/her to work without limitations.

Naturally, the City will promote only those employees on whom it can depend. Regular and timely attendance is a sign of a responsible, dependable employee.

2003 BREASTFEEDING POLICY

Purpose. The City of Seguin recognizes a mother's responsibility to both her job and her child and acknowledges a woman's choice to breastfeed benefits the family, the City, and society. The City shall make reasonable accommodations for the needs of a breastfeeding employee. It is the policy of the City of Seguin to comply with all state and federal laws as they relate to workplace breastfeeding. The City is prohibited from suspending, terminating, or otherwise discriminating against the employee because the employee has asserted the employee's rights under this policy.

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

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

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

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

Employee Responsibilities. It is the employee's responsibility to develop their own lactation schedule and to arrange their lactation schedule with their department. It is the responsibility of the breastfeeding employee to make the employee's supervisor aware of the initial lactation schedule prior to or immediately upon returning to work and inform the supervisor if there are changes to the employee's lactation schedule throughout the year. It is the employee's responsibility to contact the human resources for assistance finding a lactation room. It is the employee's responsibility to keep the designated space clean.

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

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

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

2004 COMPUTERS, SOFTWARE, CITY NETWORKS AND SOCIAL MEDIA

As a governmental entity the City's Information Technology (IT) Resources are subject to the Texas Open Records Act; therefore the city reserves the right to inspect and retrieve any data, e-mail, social media content, files, settings or any other aspect or access made by a city-owned computer or related system and will do so on an as-needed basis as determined by the City Manager, City Attorney, IT Manager, or Directors.

2004.1 Privacy

Information, private or otherwise, held, stored or disseminated from City or personal IT Resources may be disclosed to the public. There is no guarantee of personal privacy or access to tools such as, but not limited to; e-mail, Web browsing and other electronic discussion tools. The use of these electronic communication tools may be monitored to fulfill open records requirements, complaints, investigation inquiries, or city related litigation.

2004.2 Software

Unauthorized downloading of any software is prohibited. Only software registered or approved through the City of Seguin may be downloaded. A department shall engage the IT Manager, or designee, at the onset of any project to acquire computer hardware or to purchase or develop computer software. Computer users must not write or run any computer program or process that would consume more computer resources than necessary for performing City work.

All computer systems contracts, leases, licenses, consulting arrangements or other agreements must be authorized by the City Manager and the IT Manager and contracts for the same approved as to form by City of Seguin's Legal Counsel.

Users may not copy or use City supplied software on any other computer, smart-phone, or other electronic device without the express consent of the IT Manager. All copyrighted information to include software must not be copied into or from City IT Resources, except as specifically stipulated in the city's license agreement or as otherwise permitted by copyright laws.

2004.3 Security

The Information Systems Security Standards Policy applies to all information obtained, created, or maintained by City IT Resources. These Security Standards apply equally to all users of City IT Resources and continue to apply to all material stored within City IT Resources until the time said material is destroyed (erased) or permanently transferred to a third party external to the City. Security controls placed on City IT Resources may not be bypassed or disabled.

All security violations, including lost or stolen passwords or PINS shall be immediately reported to the employee's supervisor, the IT Manager, or the City Manager. Users are not permitted to share or let others, including, but not limited to, co-workers and family members, use their password or PIN for access to City IT Resources. When circumstances merit confidentiality (for example, customer personal data), all users have the duty to keep such information confidential and secure.

Upon termination of the relationship with the City of Seguin users must surrender all property owned or managed by the City of Seguin. All security policies apply to and remain in force in the event of a terminated relationship until such surrender is made.

Approval must be obtained from the IT Manager before connecting a device to the City of Seguin Network.

2004.4 E-Mail, Electronic Files and Documents

Using City IT Resources to send or reply to chain letters, hoaxes, or virus warnings is prohibited. If you receive a notice about a supposed virus or harmful code threat, report the threat immediately to your supervisor or the IT Manager.

Private e-mail accounts may not be used to transact or communicate city business. If the city mail system is unavailable for some reason and a private email account must be used, all email sent or received involving city matters must be forwarded immediately to the appropriate city e-mail account as soon as the city email system is available.

All e-mail messages that have an ongoing legal, compliance, business, or operational value or related to an audit, investigation, or litigation must be retained in accordance with the City's document retention policy. E-mail users should draft messages with the awareness that they are a permanent record. "Deleted" messages may exist on a hard drive, in a backup system, etc. and may be discoverable in a lawsuit. For this reason, e-mail must be treated as any other final work product that could be read in the future by a third party.

2004.5 Internet Access

Employees with computer access will normally be granted Level One access to the Internet. All employees with enhanced access, that is Level Two and Level Three, shall be responsible for limiting access to the content viewed, and shall only use such enhanced access for city business. Employees may use City IT Resources for non-municipal research or browsing during mealtime or other breaks, or outside of work hours, provided that all other Internet usage policies are adhered to. Personal use of the Internet and e-mail must not be in connection with any personal business activity, the business of any other corporation or firm, consulting effort, or similar profit venture. Using municipal equipment to access the Internet or send e-mail for solicitation of money, partisan or political purposes, social or religious causes is strictly prohibited. Employees may not use the City IT Resources to participate in online gambling.

Employees with Internet access may not use City IT Resources to access non-business related file exchange or sharing services known as P2P (Peer to Peer).

2004.6 Representation of the City of Seguin

Forgery or attempted forgery of electronic mail messages is prohibited. Any false representation of authority or engagement in unauthorized business is strictly prohibited. Only those employees or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the city may speak or write in the name of the City to any newsgroup or chat room. The City of Seguin does not accept responsibility for the personal opinions expressed by its Internet users.

2004.7 Offensive and Inappropriate Material

Users of City IT Resources are not to access, store, or distribute any material that could be considered inappropriate, offensive, unprofessional, or disrespectful to others. While it is impossible to list every form of such material, some clear examples include, but are not limited to, pornography, sexually explicit material, racial slurs, and material related to terrorism or other criminal activity.

The display or email transmission of any kind of sexually explicit image or document on any City IT Resource, or personal resource being used on City premises, is prohibited. In addition, sexually explicit material may not be archived, stored, distributed, edited, e-mailed or recorded using City IT Resources. If you find yourself connected incidentally to a site that contains sexually explicit, offensive or otherwise inappropriate material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.

2004.8 Social Media

The **sole official** voice of the City shall be the City's website: www.seguintexas.gov. All City of Seguin presences on social media sites or services are considered an extension of the City's information networks and are governed by the rules and regulations set forth in this Policy.

All individual requests for access to social media sites must receive the written approval of the individual's director prior to submittal for review by the City Manager and IT Manager.

The City Manager or designee shall approve what social media sites may be suitable for use by the City and its departments. All requests for social media sites must be accompanied by a business case detailing the reason for use, the resources available to maintain the media, a records retention plan, and a list of the staff members who will be authorized to use and work with the proposed social media site.

2004.9 Disciplinary Action

Any employee who violates any aspect of this Policy may be subject to disciplinary action including revocation of certain system privileges or under appropriate circumstances disciplinary measures set forth in the Employee Handbook, including termination of employment.

2005 DISABILITY

In compliance with the Americans with Disabilities Act (ADA), the City will provide accommodations to otherwise qualified employees when they cannot otherwise perform the essential functions of their position. An accommodation is not a reasonable one if providing the accommodation would cause an undue hardship on the operations of the City. The City has the discretion to determine what is and is not a Reasonable Accommodation.

2005.1 Reasonable Accommodation

Reasonable Accommodation will be provided as follows:

1. Qualified employees with known disabilities (as defined by the ADA) will be entitled to Reasonable Accommodation.
2. If a Reasonable Accommodation offered by the City is rejected by the employee, and the employee cannot otherwise perform the essential functions of their position, the employee will no longer be considered as qualified for the position and as a result will forfeit protection under the ADA.
3. Reasonable Accommodation will be provided only when it enables the employee to safely perform all of the essential functions of the position.
4. Requests for Reasonable Accommodation must be submitted in writing by the individual to the Director of Human Resources.
5. An employee who is medically unable to return to their job and for whose disability cannot be reasonably accommodated, may apply for a disability retirement under the Texas Municipal Retirement System guidelines.

2006 DISCIPLINE

It is not possible to list all rules of conduct, and the various forms of prohibited conduct identified in this employee's guide are not necessarily all-inclusive of the reasons for which an employee may be disciplined or discharged. The City tries to avoid unnecessary restrictions on personal conduct because the City feels certain that employees will exercise common sense and follow the generally-accepted customs of good taste.

The City generally tries to follow a progressive discipline system. The City is not obligated, however, to use all of the progressive disciplinary steps. Additionally, the City may begin the disciplinary process at any level, up to and including termination. Depending on the circumstances of each case, disciplinary actions may include:

- A. Counseling: The counseling is a conference, discussion or any other form of oral communication and will be documented as such.
- B. Written Reprimand: The written reprimand is used to document, in writing to the employee, the unsatisfactory job performance or conduct that has been demonstrated by the employee. An employee who receives a written reprimand will be required to acknowledge receipt of the reprimand by signing it. The employee's signature on a reprimand does not mean that the employee admits to any wrongdoing – it only indicates that they have been notified. The employee shall be given a copy of the reprimand. The original will be sent to the Human Resource Department to be filed in the employee's personnel file.
- C. Suspension Without Pay: Suspension without pay is used when an employee's unsatisfactory job performance or conduct requires more severe disciplinary action than a written reprimand.

- D. Demotion: A disciplinary demotion is the reduction of an employee's pay grade as a result of action initiated by the City. Demotion should only be considered as an appropriate form of action when the employee's job performance or conduct is unsatisfactory in the current position and there is a vacant position the employee is qualified to fill.
- E. Termination: Termination is an involuntary discharge from the City. All recommendations for termination must be reviewed by the Director of Human Resources.

Pre-disciplinary hearings are to be held in the event where suspension without pay, demotion, or termination is being recommended. The pre-disciplinary hearing is provided to give the employee an opportunity to present his/her circumstances and is coordinated by the Human Resource Department. Pre-disciplinary hearings may not be afforded to employees disciplined during their introductory period.

2006.1 Disciplinary Appeal

An appeal is an employee's formal written appeal of any determination to impose an adverse personnel action. Adverse personal action is defined as termination (job abandonment/unexcused absences excluded), involuntary demotion, or suspension. Probationary and temporary/seasonal employees are not eligible to use the appeal procedure.

With the exception of job abandonment, no employee can be terminated, suspended or demoted without the right of appeal to the next level of management and ultimately to the City Manager. This administrative process is the exclusive remedy to dispute the just cause of the aforementioned actions. There is no right to appeal the final administrative decision to any court based upon a claim of insufficient cause or breach of contract. Failure of an employee to fully utilize and exhaust the appeal process shall be deemed a waiver of any response and appeal rights granted under this policy. If the right to a hearing is waived by the employee, the appeal may be dismissed or a decision on a disciplinary action involving the employee may be made by the employee's supervisor, Department Head, the City Manager, or his/her designee, based upon the facts at hand.

An appeal of an adverse employment action must be filed, in writing, to the next level of management within the employee's chain of command within ten (10) working days after the employee is notified of the disciplinary action.

2007 DRESS CODE

Grooming, appearance, and personal cleanliness standards contribute to the morale of all employees and affect the professional image the City presents to citizens and visitors.

The following general guidelines should be followed by all employees. Employees who work in departments where uniforms are required should refer to the uniform policy. Exceptions to this dress code must be approved by the Department Head, Director of Human Resources, and/or City Manager. Supervisors are responsible for enforcement of the dress code within their department and exceptions should be made based upon work activities planned for any given work day.

2007.1 Dress

1. Examples of inappropriate business attire:
 - a. Denim jeans, pants or capris that look like jeans (regardless of color), leggings, and shorts.
 - b. Clothing that is unsuitable for the business environment, such as: T-shirts, muscle shirts, low-cut revealing blouses, mini-skirts, bare midriff or off-the-shoulders tops, tube tops, halter tops, spaghetti-strapped dresses, and skort sets.
 - c. Frayed or tattered clothing.
 - d. Sneakers, flip-flops, and beach sandals.
 - e. Overalls, sweat shirts, sweat pants, and wind suits.
 - f. Beachwear or athletic wear.
 - g. Evening wear.
 - h. Dirty and ripped, wrinkled, stained clothing.
 - i. Transparent or tight garments.
 - j. Spandex or lycra such as biker shorts
 - k. Cutoffs

2007.2 Personal Appearance

During business hours or when representing the City, the employee is expected to present a clean, neat and tasteful appearance.

1. Shirts and blouses must completely cover the abdomen and back.
2. Jewelry that pierces or is clipped to the eyebrow, tongue, nose, scalp, forehead or other exposed parts of the body, except the ear may not be worn.
3. Tattoos should not be visible to the public while an employee is on-duty.

2007.3 Casual Day

Casual day has been designated as every Friday of each week. Presentable jeans (not torn or frayed are allowed). Other inappropriate clothing as stated above is not allowed.

City shirts may be worn to functions or events where employees are representing their department or the city, i.e. training/seminars, conferences, fund raisers, etc. Please remember that when wearing a City shirt employees are identified as public servants and will be held to the highest standard of ethical conduct.

Employees whose positions require a uniform should discuss with their supervisor/director whether or not an exception to the uniform policy may be made in order to allow participation in the casual days.

2008 DRIVER INSURABILITY

Employees whose positions require the operation of a City vehicle or motorized equipment, or who operate personal vehicles on City business must, as a condition of employment, maintain a driving record that allows them to be insurable by the City's insurance carrier at prevailing premium rates. In other words, an employee whose driving record renders him uninsurable as a driver under the City's liability insurance policy or which conditions his insurability on the payment of above-market insurance premiums violates this policy and is subject to dismissal. This means that employees who drive for the City are expected to obey all traffic laws and avoid motor vehicle accidents at all times, even when driving their own vehicles during non-working hours. Under most liability insurance policies, an employee who is convicted of driving under the influence of alcohol or drugs will likely be disqualified from coverage or will be declared uninsurable except at much higher premium rates.

Employees whose positions require the operation of a motor vehicle must promptly report to their supervisor all violations (convictions) of motor vehicle laws, as well as all suspensions or revocations of their operator's license.

Employees who drive as part of their job are subject to the following standards as established in the City Vehicle Operator Policy:

- Be 18 years of age;
- Be physically qualified to hold a driver's license;
- Hold current Texas Driver's license in the appropriate class as required for the position held;
- Wear seat belt and any other safety equipment at all times;
- Obey all traffic laws and ordinances;
- Observe all City vehicle and traffic related policies;
- Maintain vehicles; and
- Must maintain good driving record (10 points or less).

Failure by employees to adhere to these standards may result in disciplinary action up to and including termination.

2009 DRUG/ALCOHOL-FREE WORKPLACE POLICY

Employees are required to report to work on time and in the appropriate mental and physical condition for work. It is the City's intent and obligation to provide a drug/alcohol-free, healthful, safe, and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol, unauthorized or illegal drugs, or the misuse of any legal drugs on City premises, or while conducting City business off City premises, is prohibited. The City also prohibits employees from entering work areas, or working or attempting to work while under the influence of alcohol, drugs, or other controlled substance. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The City of Seguin recognizes drug/alcohol dependence as an illness and a major health problem. The City also recognizes drug/alcohol abuse as a potential health, safety, and security problem. We encourage employees that need help in dealing with such problems to use our Employee Assistance Program as well as our health insurance plan as appropriate. Conscientious efforts to seek such help will not be used as a basis for disciplinary action. Once an employee is found to have violated this policy however, their offer to seek rehabilitation on a voluntary basis will not necessarily limit disciplinary action.

As a condition of employment, employees must abide by the terms of the above policy. They must also report any conviction under a criminal drug statute for violations occurring on or off city premises while conducting City business. A report of a conviction must be made within five (5) days after the conviction.

2009.1 Drug/Alcohol Testing

A. Criteria for Screening.

1. Pre-employment: All applicants will be screened before placement. Employment will be denied to an applicant whose test reveals the presence of a prohibited substance or derivative thereof.

All current employees who are transferred from a non-safety sensitive position to a safety sensitive position must pass a pre-employment drug screen before performing the safety sensitive position.

2. Random: Employees assigned to a position deemed as safety sensitive or that requires a commercial driver's license, are subject to impromptu, unannounced, or random screening for drug or alcohol abuse.
3. Reasonable Cause: Any employee may be tested based on a reasonable belief that the employee may be under the influence of prohibited substances. The reasonable belief is based on, but may not be limited to, the following conditions:
 - a) Excessive absenteeism

- b) Excessive tardiness
 - c) Physical evidence (i.e. stumbling, slurred speech, dilated pupils)
 - d) Noted differences or decline in quality of work
 - e) A credible eyewitness report of possession or use of drugs, drug paraphernalia or alcohol on the job
4. Post-Accident: All employees who are involved in an accident may be drug/alcohol tested. Additionally, if any involved person requires medical attention, or if the accident causes damage to either city or private property or places the City in a position of liability, the involved employees are subject to a post-accident drug/alcohol test. At the discretion of the Human Resources Director or City Manager, employees may be restricted from operating a city vehicle or performing specific job duties pending the results of the test. Post-accident tests must be conducted as soon as possible but not later than eight (8) hours after the accident for alcohol, and thirty-two (32) hours after the accident for drugs.
 5. Return to Duty/Follow-up: An employee whose drug screen is determined to be positive will be subject to disciplinary action up to and including termination. An employee may be given an opportunity to regain his or her employment on the condition that the employee first passes a return to duty drug screen. An employee who returns to duty shall be subject to a reasonable program of follow-up drug testing, without prior notice, for up to 60 months after his or her return to duty. The employee will be responsible for payment of the return to duty test and follow-up testing.
 6. Reasonable Cause/Alcohol Testing: All employees, regular, temporary, and part-time, as a condition of employment, are required to submit breath, saliva, urine and/or blood (for alcohol confirmation only) specimens on demand by the City.
 7. Other: As defined in department specific policies (i.e. police department).

2010 EMERGENCY SITUATIONS

The citizens of Seguin depend on City employees before, during and after an emergency to provide customer service in the delivery and restoration of essential public services required to maintain health, safety and well-being. To keep vital services available, it may be necessary to change an employee's work schedule or reassign employees to other departments on a temporary basis.

2010.1 Essential Personnel

Each regular City position has been designated as either "essential" or "non-essential". A current listing of essential positions is maintained by the Human Resource Department. Employees are notified of their status at the time that they are placed in their position either as a new-hire, when transferred or when promoted. Essential employees are required to report for duty, or be available to report for duty, during an emergency situation as declared by the Mayor, City Manager or their

designee. Failure to report for duty or be available for duty during an emergency situation authorized by the Mayor, City Manager or their designee, will result in disciplinary action up to and including termination.

Temporary positions or those positions occupied by employees under aged 18 will not be designated as “essential personnel”. Non-essential personnel may however be requested to report to duty in support of essential personnel during an emergency situation.

2011 FITNESS FOR DUTY

An employee must be physically and mentally fit to perform essential job functions. When it is suspected that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to authorize the City to have access to existing medical records and subsequently created records. The employee may also be required to submit to an evaluation of fitness for duty, and/or undergo a program of treatment. Such testing should be coordinated with the Human Resource Department.

2011.1 “Fit for Duty” Testing After An Injury or Illness

It is the policy of the City of Seguin that any employee in the positions that are included in the WorkSTEPS® program and who has a non-work or work related injury/illness that reasonably may affect the ability to perform their usual job, will be required to undergo WorkSTEPS® Fit for Duty Exam as soon as their condition is stable and/or at the professional discretion of the doctor or licensed therapist performing such testing.

Individuals returning to work without restrictions may be subject to testing as follows:

-Post Surgical

- Any employee following major surgery
- Employees undergoing minor surgery with lost work time. The City physician will evaluate the need for testing on a case by case basis. Testing will be required if it is determined that post illness/injury after-effects could reasonably affect the ability to safely perform the employee’s usual job duties.

-Post Illness/Injury with loss of work

- The City physician will evaluate the need for testing on a case by case basis. Testing will be required if it is determined that post illness/injury after-effects could reasonably affect the ability to safely perform the employee’s usual job duties.

2012 HARASSMENT POLICY

The City is committed to providing its employees with a professional and productive working environment where co-workers are treated with courtesy and respect. Therefore, it is the City’s goal to promote a workplace that is free from harassment. The City prohibits all forms of illegal

harassment of employees by managers, supervisors, and co-workers.

The City of Seguin has adopted a policy regarding conduct considered to be sexual harassment according to Section 703 of Title VII of the 1964 Civil Rights Act.

Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, and that interferes with an employee's work performance. Sexual harassment is strictly prohibited under this policy. It is against City policy for any employee to sexually harass another employee by:

- Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of the employee's employment;
- Making submission to or rejection of such conduct the basis for employment decisions; or
- Creating an intimidating, hostile, or offensive working environment by such conduct.

Sexual harassment may take many forms including, but not limited to, the following:

- Verbal: sexual innuendoes, suggestive comments, joke of a sexual nature, sexual propositions, and threats.
- Non-verbal: sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
- Physical: unwanted physical contact, including touching, pinching, brushing against the body, coerced sexual contact, and assault.

A supervisor who expressly or impliedly bases job-related decisions on the employee's submission to sexually harassing conduct, or who threatens to do so, violates the law and this policy. Non-supervisory co-workers will also be held accountable for any sexually harassing conduct. Sexual harassment may create an intimidating, hostile or offensive work environment and may interfere with the employee's ability to perform his or her job.

The City likewise prohibits any form of unlawful harassment because of religion, race, color, national origin, age, sex, disability, marital status, military status, or any other characteristic protected by law. Conduct which is prohibited includes, but is not limited to verbal abuse such as epithets or slurs; negative stereotyping; threatening, intimidating, or hostile acts; jokes which are inappropriate and may cause embarrassment at another's expense; intimidating or threatening acts; inappropriate written or graphic material which makes an individual the object of ridicule.

The City hereby puts each and every employee on notice that unlawful harassment of any type will not be tolerated. It is the policy of the City to investigate every complaint concerning unlawful harassment immediately and thoroughly. An employee's complaint alleging harassment should be promptly reported by the employee to the employee's supervisor or to the Human Resources Department. It is essential that an employee present his or her complaint promptly, within twenty-four hours of the occurrence if possible, giving the City a chance to take prompt remedial action. The City will not permit anyone who objects to harassment, makes a good faith complaint or assists in any investigation to be subjected to retaliation or reprisals of any kind.

The City considers unlawful harassment of any sort to be a significant breach of policy. Immediate and appropriate corrective action will be taken against anyone who is found to have engaged in unlawful discrimination and/or harassment, up to and including immediate discharge.

2013 IDENTIFICATION BADGES

As a security measure, employees may be required to wear a City of Seguin employee identification badge.

Lost badges should be reported to the Human Resource Department immediately so they may be replaced. Employees will be required to turn their badge in at the time of their separation from employment.

2014 NEPOTISM

2014.1 City Employment

No employee may directly or indirectly supervise, or be supervised by, a person related within the third degree of consanguinity (blood) or the second degree of affinity (marriage). No applicant for regular employment will be employed in a department where a relative is employed, nor may an applicant for regular employment be employed if he/she is related to the City Manager, a Director or Department Head.

Covered relationships include the following:

Spouse	Father/Mother
Son/Daughter	Father/Mother-in-law
Brother/Sister	Son/Daughter-in-law
Grandfather/Mother	Brother/Sister-in-law
Grandson/Daughter	Grandfather/Mother-in-law
Uncle/Aunt	Grandson/Daughter-in-law
Great Grandfather/Mother	Nephew/Niece
Great Grandson/Daughter	Anyone Living in Same Household

This policy also includes step relationships of all listed under covered relationships.

In the event that a marriage or cohabitation of employees places them in violation of this policy, they will be given the opportunity to decide between themselves, which of them is to resign. If the employees fail to make this decision within thirty (30) calendar days, the employee with the shorter length of service with the City will be transferred or discharged.

2014.2 Elected Officials

Pursuant to Section 12.04 of the City Charter, no person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, or any other elected official of the City, shall be appointed to any office, position or clerkship or other service to the City. This prohibition shall not apply however, to any person who shall have been continuously employed by the City for a period of six (6) months prior to the election of any City official so related to him.

2015 SAFETY

The City of Seguin, being fully aware of the losses to the City and it's employees resulting from accidents on the job, is determined to do everything within its power to reduce and/or eliminate accidents that can be prevented. Good safety practices and habits are the best protection against on-the-job hazards. It is your responsibility to become familiar with and for complying with, the safety rules and procedures applicable to your position. All employees are required to observe and enforce safe practices, safety regulations and policies directed by the City. You will be held responsible for avoiding unsafe acts and situations which might endanger or injure you, your fellow workers, the public, or may cause damage to property. If you do not abide by the City and/or departmental policy and standards, you may be subject to discipline. Please report any accidents, unsafe conditions or practices to your supervisor immediately so that corrective action may be taken. Any suggestions you make to lessen the possibility of on-the-job accidents and injuries will be appreciated and will be given serious consideration.

2016 TOBACCO AND ELECTRONIC CIGARETTE POLICY

(Revised 2016)

The City of Seguin desires to conduct its operations with the utmost regard for the safety of its employees, its customers, and the public. One of the most valuable assets of the City of Seguin is its workforce. In recognition of that belief, the City promotes health, safety, and well-being of each individual through health and wellness benefit programs. To that end, the use of smoking, smokeless and electronic cigarettes is prohibited in all City-owned or leased buildings and in all City-owned or leased vehicles, motorized equipment and motorcycles.

Employees, volunteers, and visitors who wish to smoke must use only designated areas outside of buildings where appropriate smoking waste disposal receptacles are located. Employees are permitted to go to a designated area to smoke prior to or after their official work day, on their unpaid lunch break or on an authorized work break.

Employees found to be in violation of this policy will be subject to disciplinary action.

2017 TRANSITIONAL DUTY POLICY

(Revised 2015)

Transitional Duty is work for employees returning from medical leave who are temporarily unable to perform one or more of the essential functions of their duties. Transitional Duty is intended to allow employees to return to work during the final weeks of their recuperative process. Transitional duty is further defined as work deemed necessary to accomplish the mission of a department and will not be a “make-work” situation created solely to accommodate an injured or ill employee.

Factors considered by the City in making the decision to offer transitional duty include but are not limited to:

- Nature of the illness or injury
- Terms of medical release
- Risk that the transitional duty may result in aggravation of the illness/injury or may in any way impede the employee’s recovery
- Length of employee’s service
- The employee’s performance/disciplinary history

2017.1 Policy

1. The City will not place an employee on transitional duty unless there is work available, the performance of which will make a substantial contribution to the mission of the department.
2. All transitional duty assignments are temporary in nature and may be changed or terminated at any time at the City’s discretion.
3. Employees may be assigned to transitional duty for a period not to exceed ninety (90) days. A onetime extension for an additional ninety (90) days may be approved by the City Manager. Total time on transitional duty will not exceed 180 days in a rolling twelve month period.
4. No employee will have duties removed from their regular job responsibilities in order to create a transitional duty situation for another employee.
5. It is recognized that some departments may have transitional duty available and that some employees may not possess the skills required to perform certain transitional duty jobs. (Example: A management employee with an injury may be able to perform office work that a truck driver with the same type of injury is unable to perform.)
6. Employees on transitional duty will have their situations reviewed by the appropriate Department Head at the end of each week to determine the employee’s progress and whether or not transitional duty tasks are available for the following week.

7. Employees who suffered an illness and are placed on a systematic course of therapy calling for a gradual return to full-time work, may be placed on a part-time work status for a period not to exceed 30 days.
8. Leave accruals for Fire/EMS employees assigned to transitional duty for a period in excess of four continuous weeks will be adjusted to the accrual rate for an employee working a 40-hour week.
9. Temporary transitional duty assignment will cease when the employee has been released to full duty or has reached maximum medical improvement (MMI).
10. Employees on transitional duty status are prohibited from engaging in outside employment that violates their work restrictions.
11. The City reserves the right to deny or cancel transitional duty work status if the employee fails to provide the appropriate medical documentation.

2017.2 Procedure for Requesting Transitional or Part-time Duty

All requests for transitional or part-time duty must be made through the employee's immediate supervisor. The request must be approved by the appropriate medical authority, Director of the Department in which transitional duty is to be performed, and the Director of the Department from which the employee is being paid (if different) and the Director of Human Resources.

Requests for transitional or part-time duty must include the following information:

- Complete description of all tasks to be performed including physical requirements and estimate of time required for task completion; and
- Physician's statement providing specific physical restrictions and expected date of release to full duty.

2018 UNIFORM POLICY

The uniform is to be worn at all times on the job by those who are issued uniforms. Employees reporting to work without their uniform may be sent home without pay until such time as they return with a uniform. This determination will be at the discretion of the department supervisor. The following is a list of requirements for the wearing of the City uniform:

- A clean uniform must be worn each day
- Shirttails must be tucked in at all times
- Shirts must be buttoned
- Long sleeves that are worn down must be buttoned

Employees are not permitted to wear city uniforms outside of working hours. City uniforms may however be worn to functions or events where you are representing your department or the city, i.e. training/seminars, conferences, fund raisers, etc. Employees wearing a city uniform will be identified as a public servant and will be held to the highest standard of ethical conduct.

If a uniform is damaged due to employee's negligence, the employee is responsible for repairs to

the uniform or if necessary, replacement of the uniform. If alterations or repairs are needed, it should be done in a manner that the uniform is to be restored as near to the original appearance as possible, in order to maintain the professional appearance and conformity with other City uniforms.

Steel-Toe Boots

Steel-toe boots/shoes are provided by the City and must be worn at all times as specified by the supervisor of the department to which the employee is assigned. Employees reporting to work without their boots/shoes may be sent home without pay until such time as they return with the proper footwear. This determination will be at the discretion of the department and supervisor.

Employees are responsible for the care of their boots/shoes. Replacement boots/shoes must be purchased by the employee through the City's vendor. The boots/shoes are a part of the standard employee uniform, and as such they are a condition of employment.

2019 WORKPLACE VIOLENCE POLICY

The City's effort to decrease the likelihood of an incident of workplace violence requires that employees follow certain rules and policies:

Prohibited Conduct. Violence of any sort, including verbal abuse, threats, stalking, harassment, horseplay, fist fighting, any unwelcomed physical touching (sexual or otherwise), physical attacks, rape and murder are prohibited. Anyone in violation of this policy is subject to disciplinary action, up to and including termination.

Prohibited Weapons. No unauthorized weapons are allowed on City property or in City vehicles. Violations of this rule will result in disciplinary action, up to and including termination.

Security Measures. All employees must adhere to the following security measures implemented by the City of Seguin:

1. No off-duty employees will be permitted on premises without permission from the supervisor on duty;
2. Non-employees (including family members) will not be permitted on City premises without the permission of the facility manager and the employee the individual is seeking to meet;
3. City-owned vehicles, lockers, desks, cabinets, and cases are subject to entry and inspection without notice even if the employee has placed a personally owned lock on the container/facility. Searches of personal containers (lunch pails, purses, etc.) and personal vehicles will not be conducted without the employee's prior consent. A refusal to consent to such a search will be deemed a violation of this policy, however, and will subject the employee to immediate dismissal.

Duty to Warn. All employees have a duty to warn the City of any potential for violence in the workplace. All incidents of violence, threats of violence and harassment occurring at the workplace, regardless of whether the perpetrator is a co-employee, customer, family member or friend, should be immediately reported to your supervisor, Department Director, Director of Human Resources, City Manager or any member of management. Reports will be immediately investigated and appropriate action will be taken.

COMMENTS

The City's and your individual success is directly related to your understanding of how the City of Seguin operates. These Employee Guidelines contain general information describing the overall working environment and general policy statements. Nothing contained herein is intended to act as a contract, or guarantee of employment or of the terms of employment. It is to serve solely as a guide in making decisions in areas that directly affect all of us as employees. As policies are reviewed and revised when necessary, your employee guidelines are subject to changes, which will be communicated to you when they occur.

Operating details of our various policies and programs are contained in other booklets that will be given to you, or in manuals that are available for your review. You will want to keep the guidelines handy for ready reference.

ACKNOWLEDGEMENT

Please read the City of Sequin’s Employee Handbook and fill out and return this Acknowledgement and Agreement to your supervisor within one week after you receive the Employee Handbook. In the event the City modifies, alters, revises, withdraws or otherwise changes the policies contained in this Handbook, the changes will become binding on me immediately upon issuance of the new policy.

I acknowledge that I have received and reviewed a copy of the City’s Employee Handbook. I understand that I am responsible for reading the Employee Handbook and for knowing and complying with the policies set forth in the Employee Handbook, and any changes made to it, during my employment with the City. I understand that this Employee Handbook supersedes all prior personnel policies, practices, and guidelines on subjects covered in this Employee Handbook, and that I should consult the Human Resource Department if I have any questions about the Employee Handbook.

I understand, however that the policies contained in the Employee Handbook are guidelines only and are not intended to create any contractual rights or obligations, express or implied, except for the policy of at-will employment. I also understand that the City has the right to amend, interpret, modify, add to or withdraw any of the provisions of the Employee Handbook at any time, in its sole discretion, with or without notice. I further understand that only the City Manager has the authority to adopt any revisions to the Employee Handbook.

I understand and agree that my employment relationship with the City is “at-will,” which means that my employment is for no definite period and may be terminated by me or by the City at any time, with or without cause or advance notice. I also understand that the City may demote or discipline me or otherwise alter the terms and conditions of my employment at any time in its sole discretion, with or without cause or advance notice. I acknowledge that no other understandings or agreements exist with respect to the at-will nature of my employment.

I understand and agree that any agreement contrary to any term of this Acknowledgement and Agreement will be unenforceable unless it is in writing and signed by the City Manager.

ACCEPTED AND AGREED:

Date: _____

Employee Name (Printed): _____

Signature: _____