



# CITY OF TEXARKANA, TEXAS

## Employee Policy Manual

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by Resolution No. 2024-089  
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## **Introductory Statement**

Effective Date: 03/01/2015

Revision Date:

The Policy Manual is designed to provide information about working conditions, employee benefits, and policies affecting employment. These policies apply to all employees of the City of Texarkana, Texas unless specified otherwise. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. It is your responsibility to review the manual and comply with the policies as well as all other rules, guidelines and regulations implemented in accordance with these policies.

It is important to understand that no policy manual can anticipate every circumstance or question. Due to changes in state and federal employment laws, portions of these policies may be superseded by such new legislation, and it is the intent of the City to monitor and follow any such legislation. The City reserves the right to revise, supplement, or rescind any policy or portion of the Policy Manual from time to time as it deems appropriate, at its sole and absolute discretion. When there are revisions, supplements or other changes to the manual, managers, supervisors and employees will be notified of such changes as these occur.

The language used in any statement, policy or procedure herein, is not intended to create, nor is it to be construed to create, a contract between the City and any one or all our employees.

Should you have any questions as to the interpretation or understanding of any policy, procedure or practice, please visit the Human Resources Department. The Human Resources Department administers the City's personnel functions and employment policies in accordance with applicable federal and state law. As a matter of policy, all personnel records and policy administration shall be the responsibility of the Human Resources Department.

## Code of Ethics

Effective Date: 10/01/2024

Revision Date:

The City believes that an employee of the City assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential ethical behaviors that an employee should exemplify include commitment beyond self, obedience and commitment to the law, commitment to the public good, respect for the value and dignity of all individuals, accountability to the public, truthfulness, fairness, and a responsible application of resources. These ethical behaviors are exemplified within the City’s Mission, Vision and Core Values.

All City employees are expected to maintain the utmost standards that align with the City’s Core values in carrying out the City’s Mission and Vision, avoiding real or perceived improprieties in the employee’s role as a public servant and never using the employee’s City position or authority for improper personal or professional gain. City employees are expected to refrain from all political activities which undermine public confidence in professional administration.

The City’s *Mission* defines our core purpose, and why we exist as an organization while our *Vision* guides us to what we are working towards in order to best serve our community. The City’s *Core Values* represent what we expect from one another in order to carry out our duties as public servants in an ethical manner.

## MISSION, VISION & CORE VALUES



### VISION

The vision of the City of Texarkana, Texas is to be a thriving regional center for education, business and culture which attracts and serves our residents and visitors.

### MISSION

The mission of the City of Texarkana, Texas is to provide customer focused public services and regional leadership that serves our residents and visitors while offering a safe, vibrant, and welcoming community.



TEAMWORK



INTEGRITY



ACCOUNTABILITY



INNOVATION



LEADERSHIP



PROFESSIONALISM



COMMUNICATION



CHARACTER

- **Teamwork**

The employee supports a positive work environment between their supervisors and co-workers by collectively and cooperatively working together, either within one's own department or across departments, to achieve a common goal or task completion in the most effective and efficient manner.
- **Integrity**

The employee conducts oneself in an honest, transparent, and trustworthy manner; doing what is best for the greater and common good and for the benefit of others.
- **Accountability**

The employee demonstrates a high level of dependability in varying aspects of one's job which includes taking ownership in the completion of tasks and assignments to completion.
- **Innovation**

The employee aides in developing and implementing new and more effective and efficient means and methods to reach the City's desired goals and objectives.
- **Leadership**

The employee influences or guides others positively towards a desired goal or objective.
- **Professionalism**

The employee demonstrates an understanding of the link between one's own job responsibilities and overall organizational goals and needs and performs one's job with the broader goals in mind.
- **Communication**

The employee utilizes written, verbal, and listening skills to communicate effectively with City staff, the public, and all appropriate audiences.
- **Character**

The employee possesses and demonstrates traits or qualities that represent a high moral code of socially acceptable behavior and citizenship.

The City of Texarkana, Texas recognizes that our employees will be faced with difficult decisions at times, and the City seeks to provide guidance on helping each employee evaluate whether behavior or conduct is appropriate for the workplace and lead an employee to an ethical decision. When faced with difficult decisions, a City employee should consider the following in guiding them to their decision:

- a) Is the action in compliance with the City's ordinances, policies, departmental policies and procedures, City, State, and Federal laws?
- b) Is the action in alignment with the City's Mission, Vision, and Core Values?

- c) Is the action in the best interest of the citizens of the City of Texarkana, Texas?

All City employees are responsible for reporting misconduct, including actual or potential violations of laws, regulations, policies or procedures. City employees should report violations of the City's Code of Ethics to Human Resources. Any actual or potential violations involving fraud, waste, and/or abuse should be reported by email to [reportfraud@texarkanatexas.gov](mailto:reportfraud@texarkanatexas.gov).

## Objectives of Policy

Effective Date: 03/01/2015

Revision Date:

The objectives of the City's policies are as follows:

To promote good and uniform personnel practices and administration in the management of the City's human resources;

To develop a program of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the citizens of the City;

To provide compensation based upon the relative duties and responsibilities of positions in the service of the City;

To promote high morale by the consistent administration of these policies;

To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

We believe that employees are entitled to a safe and secure work environment where everyone treats each other with dignity, respect and professionalism. We expect our employees to treat all City employees, vendors, guests and anyone with whom you interact with respect, professionalism and civility. This means exercising emotional self-control and sensitivity to the feelings of others. When differences arise, address them with a constructive, problem-solving approach, not with blame.

## **Amendment of Policies**

Effective Date: 03/01/2015  
Revision Date: 10/01/2017

Amendments to the Policy Manual must be approved by the City Manager and City Council. The City Manager is responsible for the implementation of the personnel policies.

General and final authority for personnel administration rests with the City Manager, except for matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act on the City Manager's behalf in the administration of this manual; however, the final authority on personnel decisions shall be reserved to the City Manager.

Operational changes to any policy, practice, or process will require approval by the City Manager and City Council.

No City of Texarkana supervisor is authorized to modify this manual for any employee or to enter into any agreement, oral or written.

## **Application of Policies**

Effective Date: 03/01/2015  
Revision Date: 10/01/2018

These policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Policy Manual.

The City reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

This manual sets forth policies applicable to all City employees. However, the Texas Local Government Code, Chapter 143, collective bargaining, and the City Charter will supersede any provision of this manual as it relates to disciplinary action, dismissal, and any other personnel matters affecting Police Officers and Firefighters.

## Management Authority

Effective Date: 03/01/2015

Revision Date: 10/01/2024

**Management Authority:** The City may modify, revoke, suspend, interpret, terminate, or change any or all its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment.

Policy administration rests with City management and City management reserves sole authority to administer City operations, unless otherwise prescribed within a collective bargaining agreement.

The City's rights include, but are not limited to the following:

- a) Hiring, directing, assigning, discharging, disciplining, and recalling employees.
- b) Establishing wages, hours, working conditions, allocating, and assigning work.
- c) Determining the quantity and quality of work to be performed.
- d) Management and control of premises and equipment.

**Departmental Policy and Procedural Requirements:** Individual City departments may develop policies and procedures that are consistent with City policies and procedures and may be in addition to policies and procedures identified within the Policy Manual. Department policies and procedures that are **operational** and that do not relate to those in this manual, or other approved operational manuals, do not need to be reviewed and approved by the Administrative Services Director or other appropriate departments. All others, however, are subject to approval by the appropriate City department. All departmental policies that may be impacted by employment laws must be reviewed by the Administrative Services Director. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

All departmental policies and procedures must have the approval of the City Manager or designee such as a Department Director and/or Administrative Services Director. No policy or procedure shall be inconsistent with this Policy Manual. Should such a conflict arise through interpretation of either policy, the City's Policy Manual shall supersede the conflicting departmental policy except in matters protected by State and/or Federal Law.

With the exception of matters of appointment and other personnel actions reserved to the City Council by statute, charter, or ordinance, the final authority on personnel decisions is reserved for the City Manager or designee. Although major areas of policy are defined in this manual, there may be situations which are not specifically cited. In these instances, the City Manager retains the right to establish policy.

Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to the Administrative Services Director or to others as deemed appropriate at the City Manager's sole discretion.

## Chapter 1: General Policy

### 1.01 Equal Employment Opportunity

Effective Date: 03/01/2015  
Revision Date:

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, color, religion, sex, sexual orientation, gender identity, national origin, disability, genetics, veteran's status or other unlawful basis, is prohibited.

### 1.02 Americans with Disabilities Act As Amended (ADAAA)

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

To ensure compliance with the Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability or perceived disability.

The City will provide reasonable accommodation to the known physical (including the effects of a pregnancy or childbirth) or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position. Reasonable accommodation(s) will be made to permit the employee or applicant to perform the essential job functions as well as providing reasonable accommodation permitting access to the workplace. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of their position unless doing so causes a direct threat to the individuals or others in the workplace which cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City. Any employee who poses a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision can be made regarding the employee's qualifications for the position.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on **Form 13 - Request for Reasonable Accommodation** provided by Human Resources. The essential functions of each position are contained in the job description, which may be updated periodically.

Employees who have a complaint involving potential violations of the ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, should immediately contact Human Resources, the City Manager or designee.

The City is **not** required to lower quality or quantity standards to make an accommodation. In addition, the City is **not** required to provide personal use items such as glasses, wheelchairs or hearing aids as an accommodation.

The City of Texarkana will comply with all federal, state, and local laws relating to the employment of applicants and employees with disabilities and reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question.

An individual, who can be reasonably accommodated for the job in question, without undue hardship to the City, will be given the same consideration for that position as any other applicant or employee.

All employees are required to comply with safety standards.

### **Definitions**

In implementing this policy, the City of Texarkana will be guided by the most recent applicable definitions stated in the ADAAA or in case law construing the ADAAA, and applicable state and local law. In the event of any conflict between the definitions in the ADAAA and the definitions in this policy, the definitions in the ADAAA will prevail.

The following discussion is provided for general guidance of applicants and employees in understanding the policy of the City of Texarkana.

- a) **“Disability”** refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment or has a record of such an impairment is also deemed a “disabled individual”. An individual may also be deemed “disabled” if that person is *regarded as* having such impairment. However, in the “regarded as” instance, the situation is more complicated. Under amendments to the ADAAA in 2008, if the condition is transitory, defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability.
- b) Generally, ameliorative measures such as medications and medical devices *will not* be considered in making a disability determination, although ordinary eyeglasses or contacts *may* be taken into consideration. So, for example, the mere fact that a person wears ordinary eyeglasses will not qualify that person as “disabled.” On the other hand, the fact that a person has a hearing aid or takes medications to address the impairment will not disqualify that person as being “disabled” if the person otherwise meets the definition of “disabled.”



- c) **“Major life activity”** may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.
  
- d) **“Direct threat to safety”** refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
  
- e) A **“qualified individual with a disability”** refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
  
- f) **“Reasonable accommodation”** refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
  
- g) **“Undue hardship”** refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include but not limited to: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all the factors but merely examples.
  
- h) **“Essential job functions”** refer to those activities of a job that are the core to performing the job in question and must be performed with or without an accommodation; these functions cannot be modified for the job position.

### **Pregnant Workers Fairness Act (PWFA)**

To ensure compliance with the Pregnant Workers Fairness Act (PWFA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals with temporary physical or mental limitations due to pregnancy, childbirth or related conditions – i.e., those that relate to, are affected by, or arise out of pregnancy or childbirth. The City will provide reasonable accommodation to the known temporary physical or mental limitations of an otherwise qualified individual due to pregnancy, childbirth or related conditions if such reasonable accommodation will enable the individual to perform the essential functions of the position. If the qualified individual cannot perform the essential functions of the position on a temporary basis, but will be able to perform the essential functions “in the near future” – that is, within 40 weeks of the request of the accommodation – the employee is still considered a “qualified individual.” The City’s obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City. Any employee seeking a reasonable accommodation with temporary physical or mental limitations due to pregnancy, childbirth or related conditions shall make a written application as outlined in the section below, “**Administrative Procedures-How to Request an Accommodation**”.

Examples of accommodations may include:

- Providing additional restroom breaks
- Reducing lifting requirements
- Providing leave for an employee who does not qualify for a leave of absence under the Family and Medical Leave Act (FMLA) or other leave policy
- Providing different office equipment (e.g., a stool for an employee who is typically required to stand)

Employees who have a complaint involving potential violations of the Pregnant Workers Fairness Act, including but not limited to harassment, discrimination, failure to provide a reasonable accommodation, or retaliation, must immediately contact Human Resources.

An individual, who can be reasonably accommodated for the job in question, without undue hardship to the City, will be given the same consideration for that position as any other applicant or employee. All employees are required to comply with safety standards. The City will reasonably accommodate such qualified individuals so that they can perform the essential functions of their position unless doing so causes a direct threat to the individuals or others in the workplace which cannot be eliminated by reasonable accommodation. Essential functions of the job refer to those job activities that are determined by the City to be essential or core to performing the job. Any employee that poses a direct threat to the health or safety of the other individuals in the workplace may be placed on appropriate leave until an organizational decision can be made regarding the employee’s work.

## **Administrative Procedures - How to Request an Accommodation**

An applicant and/or employee may request an accommodation using **Form 13 - Request for Reasonable Accommodation** found in the back of the Policy Manual, on the HR website, or in the Human Resources department. Any request for accommodation must be reasonable, not cause an undue hardship, not be a threat to safety, and enable the applicant or employee to perform the essential functions of the position. Each request will be evaluated on the criteria. All requests are confidential. The review and coordination of any request for accommodation for a disability will be limited to those who have a need to know.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

The Administrative Services Director is designated as the ADA/AA Coordinator responsible for the receipt, review and response of requests for accommodation from the applicant or employee.

The applicant or employee will be provided the status of the request within five (5) working days. Extensions may be required contingent upon the complexity of the request. A need for extension will be provided in writing by the ADA/AA Coordinator to the applicant or employee. Should the applicant or employee disagree with the findings of the ADA/AA Coordinator, the applicant or employee may appeal the decision of the ADA/AA Coordinator within five (5) working days to the City Manager or designee. The request for appeal must be provided in writing. The decision of the City Manager or designee will be final.

### **1.03 Temporary Restricted Duty (Light Duty)**

Effective Date: 10/01/2024

Revision Date:

It is the goal of the City, with the cooperation of all departments, to locate and assign restricted duty, when necessary and feasible, to employees who are temporarily restricted from performing their regular job as a result of a work related or non-work related injury or illness. Temporary restricted duty opportunities will return employees to a meaningful assignment as soon as possible when they are unable to perform the essential functions of their positions (with or without reasonable accommodation) due to the injury or illness.

#### **Restricted Duty Work Assignment**

- a) An employee will be considered for a restricted duty assignment when the employee can perform work of a restricted nature, as opposed to the employee's normal range of duties.
- b) The City reserves the right to require an employee to be medically released to perform the essential functions of the position, with or without reasonable accommodations, before returning to full duty. Restricted duty assignments must be coordinated with the Human Resources Department.



- c) Restricted duty assignments must be existing duties consistent with normal operations of the division or department. An employee assigned restricted duty assignments may be assigned duties in several departments. Restricted duty assignments will not be created specifically for any individual employee. If no assignment is available, the employee must stay home until released to full duty to perform the employee's essential job functions, with or without reasonable accommodations.
- d) An employee who is released for and offered restricted duty by the City, but who elects not to accept such an assignment, will be ineligible for salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.
- e) *During a restricted duty assignment, employees may be required to alter their normal work schedule which may include working an 8-hour workday, Monday through Friday. This means that 24-hour, and 12-hour shift employees, as well as other employees who work a non-traditional schedule, may be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their restricted duty assignment. This decision will be made by taking into consideration what is in the best interest of both the City and the employee.*

### **Procedures**

The following procedures apply when an employee is released for restricted duty and provides a physician's release to the employee's supervisor. Within one (1) workday of receiving a physician's release, the employee shall forward it to the Human Resources Department. If a restricted duty assignment is made, a **Temporary Restricted Duty Agreement - Form 22** must be completed by the employee and the Human Resources Department.

- a) If a restricted duty assignment is not available in the employee's department, the Human Resources Department will review the limitations/restrictions provided by the physician and determine an appropriate assignment based on the restrictions provided by the physician and the employee's abilities to perform the work.
- b) If an injured employee is assigned to restricted duty in another department, the employee's original department continues to pay the employee's salary at the employee's regular rate of pay regardless of the nature of the restricted duty assignment.
- c) Eligibility for temporary restricted duty assignments will be re-evaluated by Human Resources every 30 days.
- d) An employee unable to return to regular duty on the original date indicated by the treating physician must provide an updated physician's release prior to the originally estimated date of return to regular duty.

### **Additional Provisions**

If an employee is unable to return to perform the essential functions of the employee's position after 90 calendar days and/or if there is no anticipated date the employee will be able to return to perform the essential functions of the employee's position, the City will rely on the ADAAA policy to determine the next appropriate actions.

An employee's refusal to perform a task consistent with the medical restrictions will be interpreted as a violation of City policies. The employee will leave the work site, will be placed on leave without pay, and may be subject to disciplinary action. The employee may be ordered to be re-evaluated in order to determine the employee's ability to perform available restricted duty tasks.

An employee on restricted duty may be assigned several types of work at various locations and times, if and when necessitated by changing medical restrictions or by completion of available work of a particular type.

## 1.04 At-Will Employment

Effective Date: 03/01/2015  
Revision Date:

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Policy Manual does not constitute a contract of employment. Nothing in this manual is intended to alter the continuing at-will status of employment with the City. Nothing contained in a City Ordinance or Resolution constitutes a contract of employment, and the City has the right to change the content of City Ordinances or Resolutions related to employment matters at any time, with or without notice, and with or without cause.

## 1.05 Conflict of Interest, Solicitation, and Acceptance of Gifts

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

**Conflict of Interests:** No employee of the City may:

- a) Accept any gift, monetary compensation or in kind offers for the purpose of influencing a decision in regard to the operations of the City;
- b) Use the employee's official position, uniform, badge, or other City identification to secure special advantage in business, personal gain, or other benefit derived from such relationship;
- c) Use any City-owned facility, personnel, building, equipment, supplies, materials (including discarded material), City's purchase card or vehicle for the employee's personal use or benefit, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession of City property;



- d) Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City;
- e) Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- f) Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- g) Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgement in the performance of duties to the City; or
- h) Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

#### **Solicitation and Acceptance of Gift**

- a) Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager.
- b) No employee may be required to make any contribution, nor may an employee be penalized in any way concerning employment according to the employee's response to a solicitation.
- c) If a person (outside source) presents a gift to a City employee as a reward for service or as an act of expressing appreciation, the gift shall not create a personal benefit to a specific employee.
- d) Gifts may be accepted, but the value of a gift must be \$50 or less, from a single source per a 12-month period. In addition, a gift must not be accepted during a bid or contract process. **(Gifts do not include food)**

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Administrative Services Director, or the City Manager's office.

## 1.06 Nepotism

Effective Date: 03/01/2015

Revision Date: 10/01/2024

To prevent conflicts of interest, to avoid accusations and perceptions of favoritism and bias and to maintain the confidentiality of restricted information, it is the policy of the City that:

### Applicants

- a) An applicant related to the City Manager by blood or marriage within the second degree according to common law shall not be employed by the City.
- b) An applicant related by blood or marriage within the second degree according to common law to any member of the City Council shall not be employed by the City.
- c) Under no circumstances will an applicant be employed in a department in which the employee may directly or indirectly supervise or be supervised by a member of the employee's immediate family. **Immediate family includes spouse, parents, children, step-children, brother, sister, half-brother, half-sister, step-brother, or step-sister. This policy also applies to cohabitants and roommates. Cohabitants are individuals living together in an intimate or sexual relationship but are not married, or declared to be married, including relationships that may be considered common law marriages. Roommates are individuals sharing the same residence.**

**First Degree:** Mother Father  
Son Daughter  
Spouse  
Spouse's Son  
Spouse's Daughter

(or) in-law

**Second Degree:** Grandfather  
Grandmother  
Granddaughter  
Grandson  
Brother  
Sister  
Brother's Spouse  
Sister's Spouse

(or) in-law

**Third Degree:** Uncle  
Aunt  
Nephew  
Niece  
Great Grand Father  
Great Grand Mother  
Great Grand Daughter  
Great Grand Son

### **Promotion**

In the event of a proposed promotion of a current employee to a position where the employee would be required to directly or indirectly supervise or be supervised by a member of the employee's immediate family (see definition above), any employed family member of a person considered for promotion must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.

### **Reorganization**

In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the lower ranking employee will be required to immediately resign employment. If both employees are of an equal rank, one of them will be required to immediately resign employment. In the event that the employees do not decide which will resign the employee with the least seniority will be deemed to have resigned. Normally, any such resignation will not be effective until ninety (90) days after the engagement, reorganization, etc., occurs.

### **Other Restrictions**

The following restrictions apply on the employment of any relative, including those defined as family members under this policy:

- a) No employee in the relationship will supervise, review or process the work of the other;
- b) The employees' relationship must not create a conflict between employees/City interests; and
- c) There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

### **Marriage of Current Employees**

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

## **Periodic Review**

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they are in compliance with this policy. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days, one or both affected employees will be required to resign from employment.

## **Application of Policy**

This policy applies to all full-time, part-time and temporary seasonal employees of the City.

## **1.07 Valid Driver's License**

Effective Date: 01/01/2019

Revision Date: 10/01/2023

The City requires that every employee who operates a City owned or leased vehicle, or who drives a privately-owned vehicle while carrying out job duties for the City, must maintain a current valid State driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

## **1.08 Outside Employment**

Effective Date: 03/01/2015

Revision Date:

**Written Authorization Required:** City employees may engage in outside employment provided they receive prior written approval from their Department Director. The employee must submit a ***Form 16 - Request for Outside Employment*** to the Department Director prior to the acceptance of outside employment and whenever the nature of such employment changes. If outside employment is approved, the request form will be forwarded to Human Resources and placed in the employee's personnel file. Approval of outside employment may be withdrawn at any time.

**Outside Jobs Coordinated Through Police Department:** Police officers authorized to work part-time jobs coordinated by and through the City's Police Department must perform the outside employment in accordance with applicable Police Department procedures.

**Prohibited Activities:** Employees will not be permitted to engage in outside employment (including self-employment) or other activities that might result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance.

**Workers' Compensation Coverage:** Employees are not covered by the City's workers' compensation insurance while working for another employer or performing work on a self-employment basis.

**Outside Employment While on Leave Prohibited:** Approval for outside employment as set out in this policy **does not** authorize an employee on Family Medical Leave, sick leave, disability leave, workers' compensation leave, administrative leave (**paid or unpaid**), or an unpaid leave of absence, or on restricted or light duty to engage in any outside employment. Any exceptions must be expressly authorized in writing by the City Manager.

## 1.09 Personal Relationships

Effective Date: 03/01/2015  
Revision Date:

Personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. Supervisors are strictly prohibited from having personal relationships with subordinates; dating or intimate, regardless of frequency or whether or not consensual. The City reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. If it has been determined that a supervisor is dating or intimate with a subordinate, the supervisor may be disciplined, up to and including termination. Any employee who is in violation of the personal relationship policy may be subject to discipline, up to and including termination.

Employees involved in a personal relationship with another employee may not occupy a position in the same department, work directly for, or supervise the employee with whom the employee is involved. The exception is for the employees who work in larger city departments: having different divisions or work schedules, and who have first disclosed that they were involved in a personal relationship excluding supervisor and subordinate relationships. The employees may be separated by reassignment into a different unit, division or work schedule. The alternative for any employee determined to be in a personal relationship is for one or both employees to leave employment of the department.

Where a conflict or the potential for conflict arises because of a relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. If such a personal relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of



the relationship to the Administrative Services Director immediately. Failure to immediately disclose the relationship constitutes violation of the personal relationship policy. Where a conflict or potential conflict arises because of the relationship affecting employment the individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

## **1.10 Personnel File**

Effective Date:

Revision Date:

The City of Texarkana maintains an official personnel file in Human Resources on each employee including such information as the employee's job application, resume, performance evaluation forms, personnel action forms, and other employment records.

### **Restrictions & Confidentiality of File**

Personnel files are the property of the City, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law or other information that is excepted from disclosure under the Public Information Act, may be released pursuant to such Act. Additionally, direct or hiring supervisors and management personnel of the City who have a legitimate reason may review information in a file. Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a written ***Form 17, Non-Disclosure of Personnel Information*** at the time of employment, termination, or retirement. An employee or former employee may also later choose to open or close access to such information.

### **Employee Access to File**

Employees who wish to review their own file shall contact the Human Resources Department to schedule an appointment. With reasonable notice, employees may review their own personnel file in the Human Resources Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages but shall not add or remove anything from the employee's personnel file at that time.

### **Personal Data Changes**

It is the responsibility of each employee to notify Human Resources of any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact(s), insurance data, etc.

## Chapter 2: Employment

### 2.01 Recruitment and Selection

Effective Date: 01/01/2019

Revision Date: 10/01/2024

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, military/veteran's status, sexual orientation, gender identity or any other characteristic protected by law. It is the desire and intent of management to provide promotional opportunities for employees of the City and make applicable training and educational opportunities available.

**Recruitment Requirements:** The recruitment process is initiated by a Department Director or designee, submitting an electronic requisition to Human Resources. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted simultaneously with an internal posting.

The recruitment method for vacant director level positions may be determined by the City Manager on a case-by-case basis.

**Applications:** Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. Current City employees seeking promotion or transfer with the City must complete an online application. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled or the closing date has passed.

**Hiring Process:** After a decision is made to hire an individual by the hiring department, the Human Resources Department will work with the hiring department so all appropriate paperwork is submitted including the applicable personnel action form (PAF). Offers for City employment will be communicated through the Human Resources Department.

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

- a) Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- b) If they previously worked for the City and were involuntarily terminated, or resigned in lieu of termination;
- c) If employment will result in a violation of the City's Nepotism Policy;

- d) Failure to meet minimum age requirement of 17. Applicant cannot be enrolled in a high school level educational institution at the time of hire. ***Applicants may be hired during the summer if the applicant is at least 17 years of age, even if the individual is still enrolled in a high school level institution so long as the school is not currently in session;*** or for Civil Service applicant's failure to meet the local rules age requirement;
- e) False statements or material omissions on the application form or during the application process;
- f) Failing any of the City's background and employment requirements including, but not limited to drug/alcohol testing;
- g) The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- h) The applicant is not legally permitted to work in the United States;
- i) The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation;
- j) Any other reason deemed to be in the best interests of the City; or
- k) Any reason prescribed by the Civil Service Commission, in the Local Civil Service Rules or Departmental Rules, Order, and Directives.

## 2.02 Promotions

Effective Date: 03/01/2015  
Revision Date: 01/01/2022

Current City employees will receive consideration for open positions if qualified. The City may recruit candidates both internally and externally simultaneously to hire the best qualified person.

Promotions shall be made upon the recommendation of the Department Director and may require approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until an orientation period of six months shall have elapsed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.

## 2.03 Attendance and Work Hours

Effective Date: 03/01/2015

Revision Date: 10/01/2024

**Regular Work Hours:** Nonexempt employees of the City, except for Police and Fire Department personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work more than 40 hours in certain weeks. **The work week begins at 12:00 A.M. on Monday and ends at 11:59 P.M. on Sunday.** The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. For example, most nonexempt Fire Department personnel work a 24-hour shift every third day, based on a 56-hour work cycle. In times of disaster or emergency, working hours shall be determined by the City Manager.

**Adjustment to Work Hours:** To assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and indicates that the employee will be available to do such work.

**Attendance and Punctuality:** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Employees are expected to be at their workstations and ready to work at their scheduled start time. Regular and reliable job attendance is an essential function of every job in the City. Excessive absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must notify their immediate supervisor in advance of the anticipated tardiness or absence as soon as possible; and unless the immediate supervisor otherwise directs, notice must be provided as follows:

- the employee must speak with their immediate supervisor by telephone call to the immediate supervisor's cell or office phone;
- if an attempt to speak by telephone is unsuccessful, the employee must send an email to their immediate supervisor's email address or text to their immediate supervisor's cell phone explaining the reason for being either late to work or unable to work and the anticipated duration of the absence, and their immediate supervisor must confirm receipt of the notice (an immediate supervisor's confirmation of receipt of the notice shall not be construed as a grant of any leave described in Chapter 3); and
- the employee must notify their immediate supervisor on each day of absence for absences of a day or more.

The director of the employee's respective department may modify these notification requirements. In most instances, an employee who fails to notify their immediate supervisor as required by this policy or department procedures, as applicable, will be subject to disciplinary action up to and including termination of employment.

## 2.04 Breaks

Effective Date: 03/01/2015

Revision Date: 01/01/2022

**Rest Breaks:** Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two fifteen-minute paid breaks each day, one during the first part of the workday and the other during the latter part of the workday. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Civil Service employees do not have designated breaks.

**Meal Periods:** Full-time employees (excluding most Police and Fire Department employees) are normally provided an unpaid meal break near the middle of the workday which can vary by department. Meal periods may be staggered by the Department Director to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Employees may not add rest breaks to the beginning or end of their meal periods.

**Lactation Break:** Pursuant to the Providing Urgent Maternal Protections to Nursing Act (PUMP), the City will provide the following for all employees, whether exempt or non-exempt, with the need to express breast milk:

- Reasonable unpaid break time for an employee to express breast milk each time the employee has a need to express the milk for up to one year after the child's birth; and,
- A place, other than a bathroom, that is shielded from view and free from intrusion in which the employee can express breast milk. Employees who have a private office may use it if they prefer.

**Supervisor Responsibility:** Supervisors are responsible for scheduling the time for employee rest, lunch and lactation breaks and should take into consideration the workload and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.



**Practices Not Permitted:** The following practices are not permitted uses of rest breaks:

- a) combining two daily breaks into one thirty (30) minute rest break;
- b) "banking" rest period time from day to day;
- c) saving rest period time to extend lunch periods or shorten the scheduled workday, or requesting compensatory time off or overtime pay for work performed during break period time; no work is to be performed during break period time.

## **2.05 Orientation Period - General Fund Employees**

Effective Date: 01/01/2019

Revision Date: 01/01/2022

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an initial performance orientation period of **12 months**.

Employees covered by Chapter 143 of the Texas Local Government Code and/or a collective bargaining agreement shall serve a probationary period as contained in Chapter 143, Local Civil Service Rules, and/or the collective bargaining agreement.

Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position, must satisfactorily complete a performance orientation period of **6 months**. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the orientation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

**Seasonal/Temporary Employees:** Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated at any time.

**Change in Assignment of Employee serving in the Initial Orientation Period:** Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a minimum of 6 months or the balance of the previous orientation period, whichever is greater, in the new position beginning with the date of the position change.



**Absences During Orientation Period:** During the orientation period and with Department Director approval, an employee is eligible to use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the orientation period may be used as approved per established departmental policy or practice. Transferred or promoted employees serving in the orientation period retain eligibility for all types of leave established by City policy.

**Orientation Coaching Reviews:** All employees serving in the orientation period shall be continuously coached and their performance reviewed in accordance with the policy.

**Extensions to Orientation Period:** The performance orientation period may be extended for up to an additional **90 days** when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the Administrative Services Director.

**Successful Completion of Orientation Period:** Employees have no guarantee of employment either during or after their orientation period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the orientation period will be retained as an employee.

**Failure of Orientation Period:** An employee is considered to have failed the orientation period when it is determined that the employee's job performance, quality or quantity of work, attendance, and/or a combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of the orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the timely written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation shall be reviewed by the Administrative Services Director before an employee serving in the orientation period can be terminated.

**Termination of Employees Serving in the Orientation Period:** All employees of the City including those serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who is terminated has no right of appeal. Employees serving in the initial orientation period are subject to all policies and procedures of the City except for appeal rights.

## **2.06 Coaching Reviews**

Effective Date: 01/01/2019

Revision Date:

Coaching reviews assist supervisors in communicating job expectations, measuring the employee's level of performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The coaching reviews system provides necessary information for management decisions including career development and training, assignments, advancements, performance corrections, retention, etc. The purpose of the coaching reviews as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

### **Schedule**

- An employee serving in their orientation period will have their coaching review begin on the employee's start date and end one year from the employee's start date.
- A full-time employee will have a coaching review scheduled on an annual basis by the Administrative Services Director.

A newly transferred or promoted employee serving their initial orientation period shall have their coaching review carry over from their previous position and updated based on new responsibilities and job duties.

Department Directors may not be governed by the above schedule; the City Manager's office may establish a coaching review system for Director-level positions.

**Supervisory Responsibilities:** All coaching review processes and documentation must be completed where required. A review is considered complete at the time the employee signs the document, or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the document. Supervisors will strive to listen and make sure employees feel heard with the use of the one-on-one meetings during the coaching review process. Enabling their team should be their #1 priority. Ask employees what's working and what could be done differently. Feedback should be frequent. Let employees know what they did well and where they could improve. Provide clarity on roles and department goals.

***Department Directors are expected to ensure compliance with this policy and ensure that supervisors and managers under their direction are adequately trained in the coaching review process. Department Directors, supervisors, and/or managers are responsible for the comments contained within the coaching review and to correct any obvious errors or rating bias.***

**Human Resources Responsibilities:** Human Resources will review all coaching reviews for obvious errors and return reviews to the Department Directors, supervisors and/or managers for any clarifications or procedural corrections.

**Employee Responsibilities:** An employee is expected to be knowledgeable of their essential job functions and core values and maintain established performance standards and requirements as outlined in the employee's coaching review. An employee is encouraged to discuss issues and concerns throughout the coaching review process during the one-on-one meetings with the employee's supervisor. If the employee is unable to resolve an issue or concern with their supervisor, the employee may address them with the Department Director; if the Department Director is their direct supervisor, the employee may go to Human Resources to address their concerns.

## **2.07 Classification Plan**

Effective Date: 01/01/2019

Revision Date: 10/01/2024

The City will maintain standard definitions of employment and will classify employees in accordance with the following definitions:

### **Full Time Employee**

A full-time employee holds an authorized position budgeted for at least 30 or more hours per week.

### **Part Time Employee**

A part time employee holds an authorized position budgeted for fewer than 30 hours per week.

### **Temporary/Seasonal**

A temporary/seasonal employee holds a job established for a specific period of time or for the duration of a project, season, or assignment. Note: Temporary employees may work various temporary assignments with the City and still retain temporary status.

### **Exempt**

Some executive, administrative, and professional employees are exempt from the requirements of the Federal Fair Labor Standards Act (FLSA) that provide overtime pay standards. These exemptions are generally based on the responsibility, discretion, independent judgment and decision-making authority required in the job. Exempt employees are not eligible to receive overtime pay.

### **Non-Exempt**

Employees in non-exempt jobs must be paid overtime generally for hours worked over forty (40) hours per work week. This means that non-exempt employees' time worked must be recorded to be in compliance with FLSA.

## **2.08 Exit Interviews**

Effective Date: 01/10/2019

Revision Date: 01/01/2022

The City provides separating employees with an opportunity to complete an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Information discussed during the exit interview may be shared with the Department Director and acted upon as deemed appropriate.

The Department Director (or designee) is responsible for promptly notifying Human Resources of all separations and providing documentation of receipt of all departmental and/or City property from the exiting employee.

## **2.09 Separations**

Effective Date: 03/01/2015

Revision Date: 09/01/2025

The City designates all employee separations as one of the following types:

**Resignation:** An employee who intends to resign is requested to notify the supervisor and/or Human Resources in writing at least two weeks prior to the last day of work. Employees who fail to give a two-week notice may not be eligible for rehire. The supervisor is responsible for immediately notifying the employee's Director and/or Human Resources. The City retains the right to waive the two week notice and accept a resignation to be effective immediately.

### **Vacation/Sick Leave Payment Upon Separation (Non-Retirement)**

Upon separation from service with the City, any time after five years of continuous service, regular, full-time and regular, part-time employees and classified police officers shall receive pay for vacation leave accumulated up to 120 hours x their current hourly pay rate. Classified firefighters can receive up to 180 hours.



*Classified police officers receive up to 720 hours of sick leave pay at separation. Classified firefighters (24/48) receive up to 1080 hours of sick leave pay at separation.*

Employees who retire, resign, or otherwise terminate their employment with the City while under investigation for policy violations that may result in the employee's involuntary separation from service, absent extenuating circumstances approved by the City Manager, **are not** eligible to receive any compensation for unused vacation leave.

If the employee is terminated or resigns without a two (2) week notice or fails to work the final full two (2) weeks after notice, no payment for accrued vacation leave shall be made, unless the two (2) week notice is waived by the Department Director and the Administrative Services Director.

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

**Retirement:** An employee who intends to retire is requested to notify the Department Director, supervisor and Human Resources, in writing at least one month prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date. **(See Section 2.10 for information regarding vacation/sick leave payment upon retirement)**

**Separation due to Death:** If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits. If an employee is vested, the employee will receive up to 240 hours (360 classified firefighters) of vacation leave multiplied by the employee's current hourly rate.

**Dismissal/Termination:** The City may terminate an employee's employment due to unsatisfactory performance or conduct, and/or a violation of City policies or procedures, including a new hire who fails the orientation period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and/or violation of City policies or procedures, may not be eligible for rehire.

Prior to a Department Director terminating an employee, all documentation and information related to the termination shall be reviewed by the Department Director, or the Director's designee and the Administrative Services Director. The Administrative Services Director shall evaluate the circumstances and documentation to determine whether consultation with the City's legal counsel is necessary. The Administrative Services Director shall also determine whether consultation with the City Manager is necessary prior to finalizing the termination. In cases where the Administrative Services Director determines that consultation is warranted, such consultation must occur before the termination is finalized. In the absence of the Administrative Services Director, then the Department Director, or the Director's designee shall consult with the City Manager before finalizing the termination.

**Dismissal may also occur for the following but may not be limited to:**

**Job Abandonment:** If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for one workday, the City will normally consider the employee to have voluntarily resigned by abandoning their employment. Documented attempts to contact the employee must be made by the department or Human Resources to ensure there are no extenuating circumstances for the absence prior to separation of employment.

**Incapacity:** An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirement of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive accrued vacation and sick leave benefits if provided by policy, if any, payable upon termination.

**Reductions-in-Force/Reorganization:** An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the elimination of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

## **2.10 Retirement**

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The City participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Texarkana currently contributes matching funds (2:1) pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS. Members of the Fire Department are members of the Texarkana Firemen's Relief and Retirement Fund.

### **Leave Buyout and Retirement Benefit:**

**Employees hired before January 1, 2010** shall be eligible to receive payment for up to 240 vacation hours and 720 sick leave hours. Fire Operations equals 360 hours vacation and 1080 sick leave. These employees shall also receive an amount equal to up to an additional 720 sick leave hours deposited into an account for health and/or dental coverage premium payments (Fire 360V/1080S). Such premium payment shall be made only to the insurance coverage provided by the City. The benefits of this retirement program shall be effective immediately



upon retirement and shall not be deferred for any reason. All age and tenure requirements must comply with TMRS guidelines at the time of retirement to qualify for this program.

**Employees hired on or after January 1, 2010** shall be eligible to receive payment for up to 240 vacation hours and 720 sick leave hours. For sick leave they must choose between a lump sum payment or depositing the funds into an account for health and/or dental coverage premium payments. All other conditions above apply.

Participation in the City's health and dental insurance program shall cease for the Retiree and dependents upon the date of eligibility for Medicare for the Retiree.

Eligibility for participation in the City's group medical and dental insurance plan will cease if the retiree becomes eligible for another employer's group plan. The retiree is required to notify the City of medical insurance benefits provided by another group insurance. If a retiree fails to disclose evidence of medical insurance benefits provided by another group plan, the retiree's eligibility and enrollment shall be terminated immediately.

To be eligible for retiree health coverage the employee must inform Human Resources, no later than the day on which the person retires from the City that continued coverage is elected.

Dependents that are on the City's medical plan at the time of retirement may be maintained on the retiree medical plan. **Retirees may not add dependents to insurance after retiring.**

After **Sick Leave Buyout** funding has been exhausted, retiree may continue to be eligible to participate in employer's group plan at the fully funded retiree rates until the employee reaches Medicare eligibility age. The retiree is responsible for remitting the amount of the premium at the time specified to the City. If the retiree fails to remit the required premium amount to the City at the time required, the coverage will terminate, and medical/dental insurance coverage will cease.

The City reserves the right to change this benefit and/or eligibility criteria at any time at the City's discretion. The policy is not intended to be a contract. Benefit changes to the City's group medical plan shall apply to retirees enrolled in the group plan.

Once participation in the City's retiree insurance plan has been terminated for any reason, it **shall not** be reinstated.

## 2.11 Re-Hire Eligibility Determination

Effective Date: 10/01/2024

Revision Date:

The City provides the opportunity for individuals that were previously employed with the City the ability to be re-hired with the City based upon the following conditions:

- a) Employees that leave employment with the City in good standing shall be determined re-hire eligible effective the date of their separation.
- b) Employees that resign while under investigation of policy violations may be re-hire eligible 2 years from their separation date.
- c) Employees that resign in lieu of termination or are terminated for policy violations may be re-hire eligible 2 years from their separation date.
- d) Employees terminated for violations of Federal and/or State law as well as City charter violations may be permanently barred from future employment with the City.

Re-hire eligibility determinations for Police Officers and Firefighters are dependent upon Section 143 of the Texas Local Government Code and/or the Local Civil Service Rules.

## Chapter 3: Leave

### 3.01 Holiday Leave

Effective Date: 03/01/2015

Revision Date: 10/23/2025

The City provides paid holidays to regular full-time employees and employees serving in the initial orientation period. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

All City regular, full-time and part-time City employees are entitled to the following holidays:

1.	New Year's Day	January 1 <sup>st</sup>
2.	Martin Luther King's Holiday	Third Monday in January
3.	Good Friday	Date TBD Annually
4.	Memorial Day	Last Monday in May
5.	Juneteenth	June 19 <sup>th</sup>
6.	Independence Day	July 4 <sup>th</sup>
7.	Labor Day	First Monday in September
8.	Veteran's Day	November 11 <sup>th</sup>
9.	Thanksgiving Day	Fourth Thursday in November
10.	Friday after Thanksgiving	Fourth Friday in November
11.	Christmas Eve	December 24 <sup>th</sup>
12.	Christmas Day	December 25 <sup>th</sup>
13.	Day after Christmas	December 26 <sup>th</sup>

In compliance with the Texas Local Government Code section 142.0013, covered fire- fighters shall receive a holiday designated as September 11 in lieu of Labor Day.

Explanation for Christmas Holidays: City offices will be closed on Christmas Eve, Christmas Day, and the day following Christmas as adjusted for weekend dates. Christmas closure schedule will be based on what day of the week Christmas occurs. City offices will always close for a period of 5 consecutive days surrounding the Christmas Holidays.

#### **EXAMPLE:**

Being closed for three days the schedule can be adjusted to always permit a five (5) day weekend. When Christmas occurs on Wednesday the adjustment will be to close on December 23 and open on December 26 thus maintaining the five (5) day weekend but requiring employees to work on the day following Christmas.

### **Taking a Holiday**

A holiday is a period of **eight (8) hours** for a total of 104 hours in a calendar year, paid at the employees' regular rate. Except in the case of 24-hour Fire Department shift employees where each holiday is equal to 12 hours, half of a regular shift or 6.5 full regular shifts in a calendar year. All specially declared holidays shall be taken or accrued in accordance with the provisions of this section.

Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Police and General Fund employees who are required to work on a designated holiday and are unable to schedule a subsequent day off convenient to their Department Head shall be paid their regular pay (1x) for that day, and in addition, shall receive holiday pay (1.5x) for the entire shift actually worked on the holiday - not limited to eight hours. At the Director's option, employees may instead be entitled to receive compensatory time off equal to the total holiday hours worked.

Holidays shall be observed as they occur on the City Holiday calendar except in the Police Department, Fire Department, TWU Plant Personnel and the Bi-State Central Records and Communications Center.

Employees who have a balance of holiday time will be paid for their holiday time at the end of the fiscal year at straight time up to a maximum of 40 hours.

All holiday time balances will be set to zero out at the end of each fiscal year.

Personnel not working on the designated holiday are only granted 8 paid hours of holiday time regardless of their regular shift (8, 9, 10 or 12-hour shifts).

Employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday **unless** leave has been previously approved by the Department Director or designee.

**Employees Scheduled "Off Duty" on a Holiday:** When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave (half shift for Fire Department shift personnel) to be taken later.

**Ineligibility for Holiday Pay:** Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

**Paid Leave Status:** An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay the employee would ordinarily receive at the time of the holiday.

**Other Religious Holidays:** Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

### **Holidays on a Day Off**

- a) **On the Weekend:** A recognized holiday that falls on a Saturday will be observed on the preceding Friday or earlier if Friday is also a holiday. A recognized holiday that falls on a Sunday will be observed on the following Monday.
- b) **During Vacation Leave:** Holidays that occur during a scheduled paid vacation time will be paid as holidays and will not be charged as vacation.
- c) **During Sick Leave:** An employee who is on FMLA approved leave will receive holiday pay.
- d) **Due to Suspension:** If an employee is suspended without pay on the day previous, day of, or day after the observed holiday, the employee is not eligible for a paid holiday.

**Holiday Pay During Workers' Compensation Leave:** An employee on worker's compensation leave will receive holiday pay.

**Separating Employees:** Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

### **Fire Shift Personnel**

Shift personnel within Fire will have their annual holidays loaded into a holiday bank in October and may take their holiday leave at any time during the year with supervisor approval. If an employee in this category leaves during the year and has taken more holiday leave hours than have occurred during the year up to that point, then the overage amount will be deducted from the sick and or vacation leave accrual. If the sick and vacation leave accrual doesn't cover the taken holiday(s), the amount will be deducted from the employee's final paycheck.

### 3.02 Vacation Leave

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

#### Accumulation of Vacation Leave

Full-time, regular employees shall accumulate vacation leave based upon their longevity of continuous employment with the City. The following chart outlines the accrual amounts based upon the employee's years of continuous service:

Years of Service	General Fund & Police	Fire Operations (56-hour week)
0-9 Years	4.62 (per pay period) 120 / year (3 Weeks)	6.93 (per pay period) 180 / year (3 Weeks)
10-14 Years	5.23 (per pay period) 136 / year (3 Weeks, 2 Days)	7.85 (per pay period) 204 / year (3 Weeks, 2 Days)
15-19 Years	5.85 (per pay period) 152 / year (3 Weeks, 4 Days)	8.77 (per pay period) 228 / year (3 Weeks, 4 Days)
20+ Years	6.15 (per pay period) 160 / year (4 Weeks)	9.23 (per pay period) 240 / year (4 Weeks)

Part-time, regular employees who work at least 1,040 hours and less than 2,080 hours per year shall earn vacation leave benefits at one-half (1/2) the rate of full-time, regular employees.

Vacation leave may be accumulated above 240 hours, however **only 240 hours may be carried over into a new calendar year** unless otherwise approved by the City Manager. On January 1<sup>st</sup> of each year, vacation leave exceeding 240 hours will be deleted from the employee's leave balance. Fire Department Operations Division personnel working a 56-hour week may accumulate and carry over up to 360 hours.

Employees who resign or who are dismissed prior to completing 5 years of service shall forfeit all accumulated vacation leave.

Emergency, seasonal, temporary, and other irregular scheduled employees shall not earn vacation leave.

#### Use of Vacation Leave Time

Employees must follow departmental procedures when requesting vacation leave.

Department Directors shall schedule an employee's vacation giving due consideration to the requests of the employee and balancing the need for responsible and efficient operation of the City. Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, an employee is encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

Employees who become ill while off work on vacation leave may request that their vacation time be converted to sick leave. *A statement from the employee's physician may be required to convert the time to sick leave.*

Minimum Increments. Vacation leave must be taken in **minimum increments of .25 hours.**

### 3.03 Sick Leave

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

#### Accumulation of Sick Leave

Sick leave is paid time away from work due to an illness (including mental health) or injury that prevents the employee from working, for visits to the doctor or dentist, to care for certain family members who are ill (including mental health) or injured, or for parents caring for a newborn after birth or adoption. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor prior to start time or in accordance with the procedures adopted by their Department.

An employee who is on FMLA approved sick leave will receive holiday pay in lieu of using sick leave.

**Eligibility:** All full-time and part-time employees begin accruing paid sick leave at hire date. Temporary and seasonal employees do not accrue sick leave. Full-time employees who are in their initial orientation period may use accrued sick leave if approved by their supervisor. An employee who is released for and offered temporary restricted duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

#### Accrual Rate

	Sick Leave Accrual Rate
General Fund & Police	4.62 (per pay period) 3 Weeks
Fire	6.93 (per pay period) 3 Weeks

**Maximum Accrual:** Employees may accrue unlimited sick leave, and the entire sick leave balance carries over from one calendar year to the next.

### **Authorized Use of Sick Leave**

- a) **For the employee:** Accrued sick leave may be used for absences due to the employee's personal illness (including mental health), accident, injury that prevents working, or caring for a newborn after birth or adoption.
- b) **For the employee's immediate family:** Sick leave may also be used for absences when needed to care for the employee or a member of the employee's immediate family who is ill (including mental health) or injured, for the employee's own and/or the employee's immediate family's scheduled doctor and dentist appointments, caring for a newborn after birth or adoption, or due to the lack of childcare as the result of the closure of the employee's childcare facility.

For purposes of this policy, "immediate family" is defined as persons related to the employee through blood, marriage or adoption; these include employee's mother, father, son, daughter, spouse and stepchildren.

Minimum Increments. Sick leave must be taken in **minimum increments of .25 hours**.

**Failure to Report Absence/ Abuse of Sick Leave:** It is anticipated that an employee using paid City sick time for their own illness/injury or that of a family member will use the employee's sick leave time to recuperate or care for their family member. Trips to the doctor, hospital stays/visits, childcare responsibilities, and other tasks needed to care for the employee or the employee's family member which take the employee away from the home, are acceptable, but other **personal pursuits during paid sick leave will be considered an abuse of this policy**. Use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

**Other Employment During Sick Leave:** Employees on sick leave, whether paid or unpaid, **may not work a second job**, including self-employment or participate in volunteer work, during the period of leave. An employee may submit a written request for an exception to this policy, explaining why the employee should be allowed to either work a second job or participate in volunteer work. The request must be submitted to the employee's Department Director and the Administrative Services Director within 5 days of the employee beginning their sick leave.

**Use of Other Leave:** If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial orientation period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule (“flex time”) to attend to medical or dental appointments. This is acceptable if work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work cycle.

**Documentation:** Employees requesting paid sick leave must follow departmental procedures when requesting the use of sick leave. An employee must present satisfactory proof of illness/injury, (i.e. doctor’s excuse) that prevents the employee from working whenever sick leave for 3 or more consecutive workdays is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member’s illness (i.e. doctor’s excuse), injury, and/or doctor/dentist appointment if the employee requests to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence.

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

**Absence from Work when Sick and Vacation Leave Exhausted:** When the employee is absent from work for all or part of a scheduled work day for a reason that is unrelated to any protected leave types provided by Federal and/or State laws, has provided notice to the supervisor required by Section 2.03 of this policy, but has exhausted all accrued or approved sick leave and vacation leave, disciplinary action will be taken. The first occurrence will result in a written warning combined with the time being docked for the length of the absence up to a full day; and if a subsequent occurrence takes place within a five-month period from the first occurrence, the absence will be subject to disciplinary action up to and including termination of employment.

### 3.04 Family Medical Leave

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

In accordance with the Family and Medical Leave Act of 1993 and all amendments, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition; and when the employee's spouse, son, daughter, or parent is a member of any branch of the Armed Services and is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. There is also leave to provide care for an injured service member, described below, which allows for an extended FMLA leave of 26 weeks. (See page 46 below)

#### Procedure

- a) **Twelve Month Period:** The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.
- b) **Employee Notification:** An employee should give at least thirty (30) days' notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.
- c) **Department Notification:** Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or other applicable leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department employees.



- d) **Human Resource Responsibility:** Human Resources is responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.
- e) **Approval:** An employee shall submit a request for family and medical leave through proper channels to the Department Director who will then forward it to the Human Resource Department for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.

**Substitution of Paid Leave:** An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued sick, vacation and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, the employee's spouse gives birth to a child or the employee utilizes this policy for the placement of a child for adoption or foster care with the employee the employee shall be required to exhaust all accrued sick, vacation and any other applicable paid leave prior to going on unpaid leave. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and other applicable paid leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

**NOTE:** Employees reaching "unpaid leave" status stop accruing all types of leave. Also, because the employee is on unpaid leave and not receiving a paycheck, the employee is responsible for continuing to make all required payments towards premiums that do not include the City's contribution.

**Maximum Time Allowed:** The maximum amount of family and medical leave available is twelve (12) weeks during a rolling twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care for an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.

**Medical Certification:** The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required every 30 days. For leave to care for a seriously ill child, spouse, or parent, the certification must include an



estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will not use genetic information for any employment decision or action.

Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee can return to regular duties with or without reasonable accommodations. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

**Return to Work:** When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

**Effect on Married Couples:** If a City employee is married to another City employee and either or both employees request family and medical leave for the birth of a child or placement of a child with the employee(s) for adoption or foster care, the total family medical leave allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. Unpaid administrative leave will be provided in circumstances where the married couple shares the twelve (12) weeks of family medical leave for the birth of a child or placement of a child with the employee(s) for adoption or foster care to ensure that each employee is provided with up to 12 weeks of bonding time with their child. For example, if Employee A and Employee B are married and both employees want to share the twelve (12) weeks of family medical leave in a way where Employee A uses eight (8) weeks and Employee B uses four (4) weeks then Employee A may take an additional four (4) weeks of unpaid administrative leave to bond with the child, and Employee B may take an additional eight (8) weeks of unpaid administrative leave to bond with the child. The unpaid administrative leave in this circumstance is considered job protected leave. This unpaid administrative leave is not additional family medical leave and cannot be used for any other purpose during the current rolling twelve (12) month period.

For other qualifying family and medical leave events, each employee is entitled to family and medical leave if the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee., see page 46 below.



**Continuation of Insurance Benefits:** While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption if the employee pays the employee's portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

**Intermittent Leave:** When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department do not suffer an undue hardship. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

**Holidays:** Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

**Recordkeeping:** Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility are calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

**Exempt Employees:** Paid leave accounts may be charged for less than one (1) full workday according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full workday. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

## **Definitions**

**Child:** A child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is under 18 years of age or who is 18 year of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult child under the FMLA.

**Health Care Provider:** A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor who can provide health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.



**Parent:** Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in *loco parentis* to the employee when the employee was a child. This term does not include parents-in-law.

**In Loco Parentis:** An individual stands in *loco parentis* to a child if the employee has day-to-day responsibilities to care for or financially support the child. The person standing in *loco parentis* is not required to have a biological or legal relationship with the child. Although no legal or biological relationship is necessary, grandparents or other relatives, such as siblings, may stand in *loco parentis* to a child under the FMLA where all other requirements are met. The in *loco parentis* relationship exists when an individual intends to take on the role of a parent. Similarly, an individual may have stood in *loco parentis* to an employee when the employee was a child even if the individual has no legal or biological relationship to the employee.

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. For all conditions “incapacity” means inability to work, including being unable to perform any one of the essential functions of the employee’s position, or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition. The term “treatment” includes but is not limited to examinations to determine if a serious health condition exists and evaluations of the condition.

**a) Inpatient Care**

An overnight stay in a hospital, hospice, or residential medical care facility.

Includes any period of incapacity or any subsequent treatment in connection with the overnight stay.

**b) Continuing Treatment by a Health Care Provider (Any one or more of the following)**

A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,
- At least one in-person visit to a health care provider for treatment within seven days of the first of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health care provider might prescribe a course of prescription medication or therapy requiring special equipment.

### **Pregnancy**

Any period of incapacity due to pregnancy or for prenatal care.

### **Chronic Conditions**

Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.

### **Permanent or Long-Term Conditions**

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.

### **Conditions Requiring Multiple Treatments**

- Restorative surgery after an accident or other injury; or,
- A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the employee or employee's family member did not receive the treatment.

**Spouse:** Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

### **Military Family Leave Entitlement:**

**Qualifying Exigency Leave:** Employees who are otherwise eligible for FMLA and have a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active-duty status in the National Guard or Reserves (deployment to a foreign country or in support of contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including:

- a) Issues arising from the military member's short notice deployment (i.e., deployment within seven or fewer days of notice);
- b) To make or update financial and legal arrangements to address a military member's absence;
- c) To attend counseling for the employee, the military member, or a child of the military member when the need for that counseling arises from the covered active duty or call to covered active-duty status of the military member and the counseling is provided by someone other than a health care provider;



- d) To attend military events and related activities, including official military ceremonies and programs or informational briefings related to the military member's covered active duty sponsored or promoted by the military or military service organizations;
- e) To spend up to 15 calendar days with a military member who is on rest and recuperation leave;
- f) Certain childcare and related activities for the military member's child while the military member is on covered active duty;
- g) To attend post-deployment activities within 90 days of the end of the military member's covered active duty or to attend to issues arising from the death of a military member while on covered active duty;
- h) Certain parental care activities for the military member's parent who is incapable of self-care;
- i) Any other event that the employee and employer agree is a qualifying exigency.

**Military Caregiver Leave:** Employees who are the spouse, parent, child or next of kin of a service member who incurred a serious injury or illness while on active duty in the Armed Forces and is undergoing medical treatment, recuperation or therapy, may take up to 26 weeks of leave to care for the injured service member in a 12-month period. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render the employee medically unfit to perform the employee's duties.

### 3.05 Military Leave

Effective Date: 03/01/2015

Revision Date: 10/01/2024

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period are generally ineligible for extended paid military leave of more than 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services on a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty. The Uniformed services include the armed forces (Army, Navy, Air Force, Space Force, Marine Corps, and Coast Guard), the Army National Guard and the Air National Guard, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency. State law provides that individuals serving in the State of Texas



military forces have the same protections in employment, reemployment, and retention in employment as provided by USERRA.

**Notice to City of Need for Leave:** Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must notify their supervisor and follow departmental procedures on requesting leave along with the official documents setting forth the purpose of the leave and, if known, its duration. Any documentation must be turned into the Department Director and the Administrative Services Director as far in advance of the leave as possible.

**Paid and Unpaid Leave for Training and Duty:**

- a) **Full Pay for Up to 15 Days:** Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.
- b) **Other Paid Leave:** Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.
- c) **Unpaid Leave:** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

**Benefits:**

- a) **Health Care Coverage:** While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months after the absence begins or for the period of military service, whichever is shorter for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred because of military service.



- b) **Other Benefits:** While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance (if applicable) while the employee is on paid military leave. While on unpaid military leave, employees are ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
- c) **TMRS:** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. To receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

### **Returning from Leave:**

**Return to Work:** A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the Texas Local Government Code before being reinstated.

An employee who has been absent from a position due to service is eligible for reemployment if the employee meets the following criteria:

- a) The employer has received advance notice of the employee's service.
- b) The employee's service is for a cumulative period of five years or less.
- c) The employee timely returns to work or applies for reemployment.
- d) The employee's separation or dismissal from service does not disqualify the employee.

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

- a) For service of less than 31 days, employees have 8 hours following their release from service to report for their next regularly scheduled work period.



- b) For service of more than 30 days but less than 181 days, employees have 14 days following their release from service to notify in writing of the employee's intent to return to work, unless it is impossible or unreasonable for the employee to do so, in which case the employee must submit the intent to return to work not later than the next full calendar day after it becomes possible to do so.
  
- c) For service of more than 180 days, employees have 90 days following their release from service to notify in writing of the employee's intent to return to work.

These reporting timelines are extended for service members who are hospitalized for, or convalescing from, an illness or injury incurred or aggravated during military service. Those individuals have an additional two years from the date of completion of service to apply for reemployment. This time can be extended to accommodate circumstances beyond the employee's control that make reporting impossible or unreasonable.

**Required Documentation:** To qualify to return to work, an employee returning from leave must provide documentation such as military orders that details the length and character of the employee's military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days. If satisfactory documentation is not readily available or does not yet exist, the employee will be promptly reemployed according to the provisions of USERRA. However, if after reemploying the individual, documentation becomes available that shows one or more of the reemployment requirements were not met, the City may terminate the employee and any rights or benefits that may have been granted.

**For Civil Service Employees Only:**

Civil Service employees called to active federal military may be eligible to receive payments of donated vacation, holiday, and sick or compensatory leave time to help provide salary continuation. The employee must be on active duty for a minimum of three months before becoming eligible for such payments and is not required to have exhausted personal leave time banks before receiving this benefit.

**3.06 Bereavement Leave (Funeral Leave)**

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The City provides employees serving their orientation period and regular full-time employees paid time off for funeral leave. (**Timekeepers should use "funeral leave" code**), Employees receive up to 3 days of paid time off (36 hours for Firefighters on shift) in the event of a death(s) in the family. For authorizing bereavement leave "family" is defined as current spouse, child, parent, sibling, grandparent, or grandchild by blood or marriage.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately.

With prior Department Director approval, employees requiring additional time off, in excess of three workdays, may use vacation, compensatory time or, if no vacation or compensatory time is available, as authorized leave without pay.

Employees who wish to attend funerals for other than immediate family must use vacation, compensatory time, or unpaid leave.

### **3.07 Jury and Witness Duty Leave**

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation because of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, and any other documentation with the leave request.

Employees requesting jury duty leave must complete a leave request and submit it to their supervisor for approval as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is reporting to jury duty must typically report back to their regular worksite at the City for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off.

Jury duty leave is paid at the employee's base rate and is not used towards the calculation of overtime or any other special forms of compensation.

### **3.08 Voting Leave**

Effective Date: 03/01/2015

Revision Date:

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon 3 days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, accrued compensatory time, or leave without pay for the period missed.

### **3.09 Administrative Leave**

Effective Date: 03/01/2015

Revision Date: 10/01/2024

The City may grant Administrative Leave with or without pay to an employee, at the discretion of the Department Director or Administrative Services Director when no other paid leave category is available or applicable.

Administrative leave can be used or applied in many situations, some of which are addressed within this policy manual: leave may be applied for disciplinary purposes, decision making, or a cooling off period; an employee may be placed on administrative leave with or without pay pending the outcome of any related administrative review, investigation, or imposition of management action relating, for example, to a suspected violation of state law, federal law, local law, City ordinance, City or departmental rule or regulation, or other City policy.

If administrative leave is granted, the Department Director shall issue a memo documenting the leave and present the memo to the employee for their signature. A copy of the memo will be kept in the employee's personnel file in the Human Resources Department.

An employee placed on administrative leave must comply with the following guidelines, and failure to comply may result in immediate disciplinary action, up to and including termination of employment:

- a) Be available by phone during regular business hours (Monday-Friday, 8:00 am-5:00 pm).
- b) The employee may be directed to refrain from being on City premises or entering City facilities contingent upon the circumstances.

### 3.10 Paid Quarantine Leave for Firefighters and Peace Officers

Effective Date: 06/15/2021

Revision Date:

#### **Purpose:**

To provide paid leave to sworn police and firefighters who are ordered to quarantine or isolate by the City's health authority or authority appointed by City Council due to a possible or known exposure to a communicable disease while on duty, in accordance with Section 180.008 of the Local Government Code.

#### **Definitions:**

**"Fire fighter"** means a paid employee of a municipal fire department or emergency services district who:

- a) Holds a position that requires substantial knowledge of firefighting;
- b) Has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- c) Performs a function listed in Section 143.003 (4) (A).

**"Health authority"** has the meaning assigned by Section 121.021, Health and Safety Code.

**"Peace officer"** means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by a political subdivision.

#### **Policy:**

The use of quarantine leave must be granted after a Fire Fighter or Peace Officer has had a possible or known exposure to a communicable disease while on duty for which the health authority has ordered quarantine or isolation. The City's health authority will determine when a threat of a communicable disease is immediately present and may release orders for applicable workers to follow general quarantine protocols. When this occurs, department supervisors will allow for the use of quarantine leave based on the health authority's protocols for appropriately dealing with the disease and/or its prevention of community spread. Employees will be released from quarantine leave based on guidance from the local health authority.

Applicable employees on paid quarantine leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on quarantine leave, the City will not reduce a fire fighter's or peace officer's sick leave balance, vacation leave balance, holiday leave balance or other paid leave balances in connection with paid quarantine leave taken in accordance with this policy.



Employees who must be quarantined will be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation.

### 3.11 Mental Health Leave

Effective Date: 09/01/2021

Revision Date: 10/01/2024

#### **Purpose:**

To provide paid mental health leave to all City employees due to experiencing a traumatic event in the scope of employment with the City of Texarkana, Texas. Mental health leave is required to be provided for peace officers and telecommunicators in accordance with Texas Local Government Code Section 614.015, Subchapter A-1 and A-2.

#### **Definitions:**

**“Peace officer”** means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by a political subdivision.

**“Telecommunicator”** means a person authorized to act as a full-time telecommunicator under Section 1701.405, Occupations Code.

**“Traumatic Event”** is an event that involves extreme injury, near death or death of an individual at the event to which the City employee has direct involvement.

#### **Policy:**

The use of paid mental health leave may be granted to a City employee who experiences a traumatic event that occurs within the scope of employment and in accordance with departmental and City policies and procedures. The paid mental health leave is to be used to receive assistance in dealing with the event that was experienced.

A City employee utilizing the paid mental health leave may receive up to 3 work-shifts of time off from work in order to seek professional treatment for the handling of the traumatic event which the City employee experienced. The paid mental health leave shall be administered at the discretion of the Department Director, or by the Department Director’s next in command if the Department Director is unavailable. The decision will be based upon the information provided to the Department Director or Department Director’s next in command if the Department Director is unavailable after the event occurs, or as otherwise ordered by a mental health professional. The City employee will contact the Department Director and request the use of the leave in order to obtain the mental health assistance. The Department Director will consult with the Administrative Services Director in Human Resources and, upon granting the leave, will allow up to 3 shifts away from work to receive professional treatment.



The City will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The City cannot guarantee anonymity of information that is otherwise public or necessary to carry out the City's duties under the law.

The shifts missed by the City employee utilizing the paid mental health leave will be covered by other available City employees and no reason for the initial City employee's absence will be noted or addressed.

City employees on paid mental health leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid mental health leave, the City will not reduce a City employee's sick leave balance, vacation leave balance, holiday leave balance or other paid leave balances in connection with paid mental health leave taken in accordance with this policy.

### **3.12 Inclement Weather/Emergency Leave**

Effective Date: 03/01/2015

Revision Date:

Except for extraordinary circumstances, **City offices DO NOT CLOSE**. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and decide to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed.



Department Directors are required to notify their employees that they are designated essential personnel and their requirement to work during inclement weather.

Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

### **3.13 Leave of Absence**

Effective Date: 03/01/2015

Revision Date: 10/01/2024

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be in writing. Department Directors are authorized to grant an unpaid LOA for up to 30 days. Any LOA beyond 30 days must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the American with Disabilities Act as Amended and the Family and Medical Leave Act (FMLA). A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

**Use of All Other Available Leave:** All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

**Criteria:** Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

**Reasons for LOA:** A LOA may be considered in the following circumstances:

- a) Recovery from extended illness, injury or temporary disability.
- b) Extended care for immediate family members.
- c) Caring for a newborn child after the birth or adoption of a child if the employee is not eligible for family medical leave.
- d) Educational purposes when successful completion will contribute to the work of the City.
- e) Public service assignment.
- f) Personnel exchange programs which emphasize intergovernmental relations.



**Documentation:** Requests for LOA without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Administrative Services Director. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity. All medical documents will remain confidential in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on the employee's condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from the doctor stating that the employee is able to perform essential job functions with or without reasonable accommodation.

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

**Reinstatement:** Employees returning from a LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work after an approved LOA will be considered to have voluntarily resigned employment with the City, absent unusual circumstances.

**Benefits/Premium Payments:** All LOA'S are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during a LOA must be approved in advance by the Administrative Services Director and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City if the employee works less than half of the month in which the leave of absence is being taken. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA **as well as the City's portion**. An employee's failure to pay either the employee's, or the City's, portion of insurance premiums during a LOA may result in cancellation of coverage.



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

### 3.14 Leave Donation Program

Effective Date: 03/01/2015

Revision Date: 10/01/2024

**Purpose:**

To provide guidelines for donating and receiving donated accrued leave.

**Eligibility:**

Full time employees who have depleted all paid leave.

The employee requesting the donation must have been a full-time employee for a minimum of twelve (12) consecutive months.

An employee with written corrective action regarding unsatisfactory attendance within the last twelve (12) months may not be eligible.

**Policy:**

This voluntary program is intended to provide continued income to an employee who is absent from work related to a catastrophic illness or injury which requires hospital confinement or extensive medical care of the employee or the employee's child, spouse, or parent. The program is subject to exclusions in Section D listed below. The requesting employee must submit to Human Resources a medical certification from a health care provider to apply for leave donation. "Catastrophic illnesses" as referenced in this policy are typically life threatening; examples include, but are not limited to, coma, cancer, heart attack, stroke, major burns, or organ transplant surgeries.

**a) Procedures**

1. To receive donated leave, the employee **must have exhausted or on the verge of exhausting** all paid leave. An exhausted leave balance by itself is not enough justification for requesting leave donation.
2. Donations to a recipient shall be made in 4-hour increments. The maximum amount of leave an employee may donate to another employee is **40 hours** per accident or illness. At no time shall a donating employee's sick or vacation leave balance go below **80 hours** because of a leave donation. Leave donations will be deducted from the leave balance of the contributing employee.
3. The maximum number of hours that may be received by an employee during a rolling 12-month period is **960 hours**.

4. The maximum number of hours that may be received by an employee is **2080 hours** during their employment with the City of Texarkana. The City provides access to Long-term Disability insurance which has a 90-day elimination period. See *Policy 5.09 Long-term Disability* for additional information. Leave donated will be transferred on an hour for hour basis without regard to pay differential.
5. Donations will be applied in the order received in Human Resources. Unused leave shall be returned to donating employees in the order received, i.e. last donations received shall be returned first.
6. In the event a holiday occurs during this period, the employee shall receive eight (8) hours of holiday pay.
7. Employees receiving donated leave will not be required to pay the leave back.
8. There shall be no accrual of sick or vacation leave while utilizing donated leave.

**b) Process**

A request for leave donation must be submitted by the Employee to **either** the employee's Department Director or Human Resources on **Form 5 - Application for Leave Donation**. In order to proceed, the Department Director must approve the request for leave donation. Human Resources will communicate the request to potential donors but will not reveal the identity of the employee unless the employee or immediate family gives permission. Donors shall complete **Form 6 - Authorization to Transfer Accrued Leave** and submit to the Human Resources Department.

**c) Recordkeeping**

Human Resources shall be responsible for managing and administering this policy, including solicitation of contributions and processing requests. Records pertaining to the leave donation policy shall be maintained in Human Resources, where they will be kept confidential.

**d) Exclusions**

1. On the job accident/ injury/illness for which workers' compensation benefits have or will be awarded.
2. Intentionally self-inflicted injuries.
  - *(Excluding circumstances that may be covered by Federal, State, or Local law)*
3. Injuries occurring while committing a crime.
4. Elective surgery.

### **3.15 Fitness for Duty (Civil Service)**

Effective Date: 03/01/2015

Revision Date:

Fitness for Duty examinations apply to Civil Service employees under Chapter 143 of the Texas Local Government Code. Please reference Sec. 143.081 of the Texas Local Government Code for additional information.

**Time Off from Work:** Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave, and/or other leave as circumstances warrant.

## Chapter 4: Compensation

### 4.01 Timekeeping

Effective Date: 03/01/2015

Revision Date:

Accurately reporting time worked is the responsibility of every non-exempt employee. The City must keep an accurate record of time worked to calculate employee pay and benefits.

#### **Time Worked:**

Time worked includes all time that an employee is required to be performing any work for the City, whether on premises or at another location. **Vacation and Holiday time are counted as time worked for the purposes of overtime calculations.** Time worked is used to determine overtime pay for non-exempt employees. The City does include the following provisions as time worked:

- a) **Work Away from Premises or at Home:** A non-exempt employee shall not be permitted to perform work away from the premises, job site, or at home, unless approved in advance in writing by the Department Director. If approved, work performed off the premises, job site, or at home by a non-exempt employee must be counted as time worked and must be accurately reported.
- b) **Break Time:** Rest periods of fifteen (15) minutes or less are counted as time worked.

#### **Time Not Worked:**

The City does **not** count the following provisions as time worked:

- a) **Paid Leave:** Approved paid absences, including but not limited to sick leave, FMLA, military leave, jury duty, non-job-related witness duty, funeral/bereavement leave, and voting time off **are not** counted as time worked.
- b) **Lunch or Dinner Periods:** Uninterrupted time off for lunch or dinner is not counted as time worked.

#### **Timekeeping:**

The timekeeper for the department will review and then certify the time record for each employee before submitting it for payroll processing. It is the employee's responsibility to review and confirm the employee's time records by logging into the Employee Self Service after each pay period to certify the accuracy of all time recorded. In the event of an error in reporting time, immediately report the problem to the department timekeeper. Falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

## 4.02 Pay Periods

Effective Date: 03/01/2015

Revision Date:

Employees of the City of Texarkana are paid biweekly, every other Friday. Each paycheck will include earnings for work performed through the end of the previous payroll period. In the event the regularly scheduled payday falls on a bank holiday, employees will be paid the day before. There are **26 pay periods** per fiscal year.

The City's workweek begins at 12:00 a.m. on Monday and ends at 11:59 PM the following Sunday.

For most employees, the pay period is made up of two, 40-hour work weeks or work cycles. Some Police and Fire Department personnel may have alternate work cycles that make up the pay period. **The alternate work cycles must be in accordance with Federal and State law and approved by the Department Director.**

## 4.03 Pay Deductions

Effective Date: 03/01/2015

Revision Date:

### **Mandatory Deductions:**

The City is required by law to make certain deductions from an employee's compensation. These deductions include withholdings for federal income taxes; Federal Insurance Contributions Act (FICA) tax, which is comprised of Social Security (**Civil Service does not participate in Social Security**) and Medicare, and contributions to the TMRS Retirement Plan or Texarkana Fireman's Relief and Pension Fund.

### **Voluntary Deductions:**

The City allows limited voluntary deduction programs to employees for City-sponsored benefits, such as the 457 Deferred Compensation Plan, supplemental insurance, Association or Union Dues, and credit union share or loan payment amounts. Contact the Human Resources Department for contribution levels and enrollment information.

### **Record of Deductions:**

The check stub serves as a statement of employee's earnings and deductions and is available through the **Employee Self Service (ESS)**. Employees who received income in the previous year will receive a Wage and Tax Statement (W-2) by January 31<sup>st</sup>. If an employee does not receive a W-2 by the second week of February, contact the Finance Department.

### **Changes in Deductions:**

An employee may begin, change, or cancel most optional deductions, or may change the number of dependents for tax purposes by contacting the Human Resources Department for the appropriate form.

## **4.04 Overtime, Compensatory Time and Time Management**

Effective Date: 03/01/2015

Revision Date:

**Overtime:** Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

### **Non-Exempt Employees:**

When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. **Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work.** Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's and Department Director's **prior authorization** before performing any overtime work. This means employees may not begin work prior to their scheduled workday and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a brief period. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, except for Fire Department shift employees, overtime pay for non-exempt employees is at the rate of 1 1/2 times the employee's regular hourly rate of pay for hours worked in excess of 40 in the City's workweek. An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc. Fire personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.



Paid vacation and paid holiday leave are included as hours worked for purposes of determining eligibility for overtime pay. However, time off because of sick leave, jury duty leave, witness duty leave (unless attending in an official capacity), bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

**Compensatory Time:** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Department policies may further restrict the maximum amount of compensatory time accrued. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time records.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "**reasonable period**" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested compensatory time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all the employee's accrued compensatory time. The City may also require employees to take time off to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

Any comp time over 40 hours not taken by the end of the fiscal year will be paid to the employee on the last pay period of the fiscal year. Up to and no more than 40 hours of accrued comp time may be rolled over from one fiscal year to the next.

**Payment of Compensatory Time:** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate.

**NOTE:** Exempt employees are not eligible to earn and accrue compensatory time.



**Flex-time Work Schedule:** In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule to minimize the need for overtime compensation. Flexing must be completed within the same workweek (or work cycle if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

### **Exempt Employees:**

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Administrative Services Director. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the Administrative Services Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

## **4.05 Alternate/Compressed Work Schedule**

Effective Date: 10/01/2023

Revision Date:

Alternate/compressed work schedules are offered within certain departments when it is feasible and will in no way interfere with providing efficient and effective City services. Department Directors are responsible for determining whether an alternate/compressed work schedule would be appropriate for their department.

Employees working an alternate/compressed work schedule are required to work the same number of normally scheduled hours per week but during a different, pre-approved schedule by the Department Director. An example of this type of schedule may be working four 9-hour days and one 4-hour day in a work week or working four 10-hour days in a work week.

Full-time City employees receive holiday pay at eight (8) hours per observed holiday. If working an alternate/compressed schedule, employees must use vacation leave or unpaid leave to make up the difference of time off due to a holiday.

## 4.06 Longevity Pay

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The City provides regular full-time employees longevity pay, at the budgeted rate of \$5.00 per month for each full year of uninterrupted service, up to a maximum of 25 years. Longevity pay begins after a regular, full-time employee has completed one year of service. Police officers that return to employment with the City as a police officer per guidelines outlined in the Local Civil Service Rules continue to maintain their longevity pay minus the length of time that the individual was not employed with the City of Texarkana, Texas.

## 4.07 On Call & Call Back Compensation

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

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

**Return to work provisions:** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

**Compensation:** On-call status is not considered time worked and is not compensable unless the employee responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of 2 hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy.

On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone or a minimum of 1 hour of pay, whichever is greater. Multiple phone calls within the same hour will result in being paid for 1 hour of pay. In all cases, employees must report their actual hours worked on their time sheets. Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

**Departmental Policies:** Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

## 4.08 Supplemental Pay

Effective Date: 10/01/2024

Revision Date:

### **Bilingual Pay:**

To better serve our community, the City provides bilingual pay to our employees that are fluent in both English and Spanish and that are required to regularly and routinely utilize their bilingual skills. Employees that are able to demonstrate their bilingual proficiency will receive \$1,200 annually that is paid out over the year within each of the 26 pay periods. In order to be eligible to receive bilingual pay an employee must do the following:

- a) Receive authorization from your Department Director in order to verify that your position is one that the City would benefit from your bilingual ability.
- b) Your Department Director will then notify Human Resources by submitting ***Form 19 - Request for Bilingual Testing*** that you have been approved to take an assessment that will determine your fluency level in Spanish.
- c) Human Resources will coordinate with the employee for the employee to be able to take an online assessment through a designated testing provider.
- d) Once the employee has completed the assessment, Human Resources will determine whether the employee meets the fluency standards for the employee's position and if so Human Resources will notify the Department Director that bilingual pay is approved.
- e) If an employee fails to meet the fluency standards through the assessment, the employee must wait six months before requesting to be tested again.

Any employee receiving bilingual pay is expected to assist other non-bilingual employees in any department and the public as needed. They may also be required to report to work during emergencies and/or disaster relief efforts.

If an employee receiving bilingual pay promotes, transfers, or demotes to a position where the language skills are not needed then bilingual pay may be discontinued.

### **CRC Supplemental Pay:**

CTO	\$1,200 / year
Shift Differential	\$20.00 / pay period

**Police Department Supplemental Pay:**

Accident Reconstruction	\$43.85 / pay period
Education (Bachelor's Degree)	\$81.23 / pay period
Field Training Officer	\$69.23 / pay period
Instructor	\$23.08 / pay period
Shift Differential	\$30.00 / pay period
SWAT Negotiator	\$23.08 / pay period
SWAT Operator	\$43.85 / pay period

**Fire Department Supplemental Pay:**

Clothing (Fire Investigations)	\$400 / year
EMS Coordinator	\$1,200 / year
SCBA Tech	\$1,200 / year
Assignment (Firefighters Assigned to Office)	\$3,000 / year

**Texarkana Water Utilities Supplemental Pay:**

Evening Shift	\$.50 / hour
Graveyard Shift	\$1.00 / hour
Evening Shift OT	\$.75 / hour
Graveyard Shift OT	\$1.50 / hour

**Certification Pay:**

In addition to an employee's regular earnings, an employee who obtains certification may be eligible for certification pay. Eligible employees are required to provide proof of eligibility (certificate) to their Department Director and/or Human Resources before becoming eligible to receive the certification pay. The annual certification pay amount is paid out over the year within each of the 26 pay periods.

**Central Records and Communications:**

Intermediate	\$300 / year
Advanced	\$600/ year
Master	\$900 / year

**Fire Department:**

Intermediate Firefighter	\$600 / year
Advanced Firefighter	\$1,200 / year
Master Firefighter	\$1,800 / year

**Police Department:**

Intermediate Peace Officer	\$1,500 / year
Advanced Peace Officer	\$2,100 / year
Master Peace Officer	\$2,700 / year

**Texarkana Water Utilities:**

Refer to Appendix C for all Certification Pays with TWU

## Chapter 5: Benefits

### 5.01 Benefits Overview

Effective Date: 03/01/2015

Revision Date:

Benefit eligibility is dependent upon a variety of factors, including employee classification. The Human Resources Department can identify the eligible programs. Details of many of these benefits may be found elsewhere in this policy manual.

The following benefits are available to eligible employees:

- COBRA
- Credit Union Membership
- Deferred Compensation Plan
- Employee Assistance Program
- Family and Medical Leave (**See Section 3.04**)
- Funeral/Bereavement Leave (**See Section 3.06**)
- Health Insurance
- Holiday Leave (**See Section 3.01**)
- Jury & Witness Duty Leave (**See Section 3.07**)
- Leave Donation (**See Section 3.14**)
- Life Insurance
- Longevity Pay (**See Section 4.06**)
- Military Leave (**See Section 3.05**)
- Long-Term Disability
- Short-Term Disability
- Sick Leave (**See Section 3.03**)
- Supplemental Pay (**See Section 4.08**)
- Texarkana Fireman's Relief and Pension Fund
- TMRS Retirement Plan
- Vacation Leave (**See Section 3.02**)
- Voting Leave (**See Section 3.08**)
- Workers' Compensation Insurance

### **Confidentiality of Medical Information:**

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Human Resources Department maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a) a note to justify an absence.
- b) a note to request leave.
- c) a note to verify the employee's ability to return to work.
- d) medical records to support a claim for sick pay or disability benefits.
- e) insurance records.
- f) workers' compensation records.
- g) medical history records.
- h) drug screens.

The City does not request genetic information from an applicant, employee, or health care provider. The City notifies health care providers that the City is not requesting genetic information. If genetic information is inadvertently provided to the City it will either be destroyed or maintained in the employee's confidential medical file in Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Administrative Services Director. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

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

## 5.02 Consolidated Omnibus Budget Reconciliation Act (COBRA)

Effective Date: 03/01/2015  
Revision Date:

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are mailed to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resources office.

## 5.03 Credit Union

Effective Date: 03/01/2015  
Revision Date:

The City of Texarkana offers all employees the opportunity to join a Credit Union that provides full-service banking, including checking and savings accounts and loan opportunities.

Employees in the following employment classifications are eligible to participate in the Credit Union:

- a) Full time employees
- b) Part time employees

Employees are eligible for membership at the following credit union:

Morris Sheppard Credit Union  
903-798-3258  
[www.morrisheppardfcu.org](http://www.morrisheppardfcu.org)

Contact the Human Resources Department for additional information.

## 5.04 Deferred Compensation Plan (457 Plan)

Effective Date: 03/01/2015  
Revision Date: 10/01/2022

The 457 Deferred Compensation Plan has been established to provide employees with a voluntary investment option designed to supplement the employee's income at retirement.

Employees in the following employment classifications are eligible for participation in the 457 Deferred Compensation Plan:

- a) Full time employees
- b) Part time employees working 30 hours per week or more.

The 457 Deferred Compensation Plan, offered through MissionSquare Retirement permits an employee, on a voluntary basis, to authorize a portion of the employee's salary to be withheld, tax deferred, and invested. Eligible employees may enroll, make changes, or stop deductions at any time in the 457 Deferred Compensation Plan. Employees contribute up to a fixed amount that is set annually by MissionSquare Retirement. Neither the deferred amount nor earnings on the investments are subject to current federal income tax. Various investment options are available to best meet individual retirement objectives.

For additional information, please contact MissionSquare Retirement or the Human Resources Department.

## 5.05 Employee Assistance Program (EAP)

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The EAP provides services for anyone living within your household so long as you are a full-time employee of the City.

Services provided include counseling, professional development, legal assistance, and wellness coaching.

Individual counseling is available for up to twelve (12) sessions per incident per year at no cost. Consult the Human Resources Department for contact information to the EAP.

### **Mandatory Referrals:**

If there is continuing or serious misconduct or disruptive behaviors by an employee, the Department Director may require a psychological evaluation of an employee. The employee may be referred to the Employee Assistance Program, health insurance provider, or another professional organization or individual for evaluation. If psychological evaluation and successful treatment are made



conditions of continued employment, or if a disciplinary action is delayed or reduced contingent upon evaluation and successful treatment, then such referral is considered mandatory and full participation in the recommended course of action is required. Referral does not automatically preclude disciplinary action. Failure to fully participate will be cause to reinstate the original personnel action or take the appropriate personnel action, up to and including termination of employment.

All cases of mandatory referrals shall be discussed with the Administrative Services Director prior to referral. If the employee has sought treatment on the employee's own initiative, then the Administrative Services Director or designee may require full disclosure and release of information related to the recommended course of action and treatment or the City may refer the employee to another provider on a mandatory basis.

## 5.06 Health Insurance

Effective Date: 03/01/2015

Revision Date:

The City of Texarkana's health insurance plans provide employees and their dependent(s) access to health insurance benefits. Only employees in the following employment classification are eligible to participate in the health insurance plan:

- a) Full time employees
- b) Part time employees working 30 hours per week or more

**AND**

- c) Completes the employment waiting period defined as the first of the month following the first 30 days as an active employee

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the City and the plan document.

The City offers employees retiring from the City the option to purchase continued health benefits coverage, as outlined in Tex. Local Gov't Code §§ 175.001 et seq., as amended.

Contact the Human Resources Department for additional information about health insurance benefits.

## 5.07 Life Insurance

Effective Date: 03/01/2015

Revision Date:

Life insurance offers employees and their families' important financial protection. The City of Texarkana provides a basic life insurance plan at **one time the employees' base annual earnings** and offers employees the option to purchase supplemental life insurance for themselves and their dependents. Employees in the following employment classifications are eligible to participate:

- a) Full time employees
- b) Part time employees working 30 hours per week or more

Eligible employees participate in the life insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

Contact the Human Resources Department for additional information about life insurance benefits.

## 5.08 Short-Term Disability

Effective Date: 10/01/2022

Revision Date:

The City of Texarkana offers an employee paid short-term disability plan (STD) to help eligible employees cope with an illness or injury that would result in a short-term absence from employment. Employees in the following employment classifications are eligible to participate in the STD plan:

- a) Full time employees
- b) Part time employees working 30 hours per week or more

STD is designed to ensure continuing income for employees who are disabled and unable to work. Eligible employees may participate in the STD plan subject to all terms and conditions of the agreement between the City and the insurance carrier. Employees are not eligible to receive donated leave while on STD.

Please contact the Human Resources Department for additional information about the STD benefits plan.

## 5.09 Long-Term Disability

Effective Date: 10/01/2022

Revision Date:

The City of Texarkana offers an employee paid long-term disability plan (LTD) to help eligible employees cope with an illness or injury that would result in long-term absence from employment. Employees in the following employment classifications are eligible to participate in the LTD plan:

- a) Full time employees
- b) Part time employees working 30 hours per week or more

LTD is designed to ensure continuing income for employees who are disabled and unable to work. Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between the City and the insurance carrier. Employees are not eligible to receive donated leave while on LTD.

Please contact the Human Resources Department for additional information about the LTD benefits plan.

## 5.10 Texas Municipal Retirement System (TMRS)

Effective Date: 03/01/2015

Revision Date:

Participation in the Texas Municipal Retirement System (TMRS) system provides for monthly pension benefits at retirement. Firefighters participate in their own self-funded retirement plan, Texarkana Firemen's Relief and Pension Fund.

### **Eligibility for Enrollment:**

At the time of employment, all eligible employees are enrolled in the TMRS pension plan. Employees in the following employment classifications participate in TMRS:

- a) Full time employees
- b) Employees in positions budgeted to work 1,000 or more hours a year

### **Contributions:**

Contribution rates and other policies of the City's TMRS Plan are determined by the City Council and are subject to change.

- a) Contributions to TMRS are mandatory for eligible employment classifications described above.
- b) Currently, the employee contributes 7% of the employee's earnings each pay period. The contributions are tax deferred and made through payroll deduction. Vesting generally occurs five (5) years after the first contribution.
- c) The City provides a match to the employee's contributions set by the City Council.

### **Interest Earnings:**

Employee deposits earn interest on an annual basis, credited to the employee's account each year on December 31st. Prorated interest occurs only during the year in which the employee retires.

### **Benefits at Retirement:**

- a) Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age or at age 60 and vested with five years of service. Military Service or previous government employment may contribute service credit toward earlier retirement.
- b) TMRS benefits will be based on years of service, salary, the employee and City contributions to the account, and the retirement option selected.
- c) Employees must contact the Human Resources Department at least one (1) month before the planned retirement date to allow for completion of paperwork. For additional information, please consult the TMRS Benefits Guide available online at <http://www.tmrs.com>.

## **5.11 Tuition Reimbursement Program**

Effective Date: 03/01/2015

Revision Date: 05/19/2025

In recognition of the long-range contribution that additional job-related education can make in continued quality service to the community, educational expense reimbursement is offered to eligible employees on a limited basis according to the following guidelines. Only full-time employees that have been employed with the City for at least one year are eligible to participate. Tuition reimbursement does not apply to doctoral degrees.

### **Eligibility:**

Educational courses must be taken from an accredited college or university. For the purposes of this policy, accredited shall mean an institution of higher education recognized by the Department of Education and the Southern Association of Colleges and Universities or other regionally accredited agency.

The employee must have a field of study, commonly known as a major, declared with the employee's chosen college or university. Only those fields of study that, in the judgment of the employee's Department Director and Administrative Services Director, are related to the employee's current job classification or which will enhance the employee's potential for advancement to a position within the City are considered under this program. Single courses in self-improvement or continuing education programs not leading to a degree do not qualify under this program. Final approval resides with the City Manager.

The maximum number of hours eligible to be reimbursed per semester is Six (6).

To be eligible for reimbursement, completion of the course with a passing grade of “C” or better for undergraduate level is required, or “B” or better for graduate level work.

Employees receiving tuition assistance from a source that does not require repayment (Veteran’s benefits, grants, scholarships, etc.) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source.

Tuition reimbursement is limited to \$5,250 per calendar year. This amount covers 100% of tuition costs, costs of books and materials, and 50% of mandatory fees (excluding late fees and interest for delayed payment plans), as documented on the employee's proof of purchase with the educational institution. All reimbursements are subject to the \$5,250 annual maximum.

**Procedures and Responsibilities:**

An employee considering reimbursement under the terms of this program must make application to the City prior to enrollment in qualified courses.

**Tuition reimbursement will be paid only if the courses are pre-approved.**

New applications to participate in the tuition reimbursement program will be accepted **prior to each semester** and participation is on a first come first serve basis dependent upon available funding. The employee must complete and submit to the Human Resources Department the ***Application for Tuition Reimbursement - Form 14***. Human Resources will make a recommendation of approval or denial based upon available funding and contingent upon the degree plan being applicable to career growth within the City.

The Administrative Services Director will then forward the application to the employee’s Department Director. If approved by the Department Director, the City Manager’s office will receive the application in consideration for final approval.

The decision of the City Manager or designee is final. If the City Manager approves the field of study, all courses in the degree plan are eligible for reimbursement subject to the six (6) hour per semester cap and the availability of funds in the City’s Annual Operating Budget. Reimbursement will be paid at 100% of the eligible tuition.

Upon completion of the course the employee must submit original tuition and textbook receipts, grade reports, and the ***Tuition Reimbursement Request - Form 15*** to the Human Resources Department for reimbursement.

The employee who receives tuition reimbursement must remain in service to the City, as a full-time employee, for at least one year beyond the date of reimbursement; otherwise, all sums for tuition and books paid by the City over the past year must be refunded to the City. As a condition of receiving tuition reimbursement, the City may deduct any sums owing from the employee's final paycheck from the City as authorized by the Tuition Reimbursement Agreement so long as the employee's wages are not reduced below minimum wage.

The Employee agrees to refund the City of Texarkana the full amount of the tuition and book reimbursement provided during the year preceding voluntary resignation per the "Tuition Reimbursement Agreement" included in the "Application for Tuition Reimbursement."

## 5.12 Workers Compensation

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The City of Texarkana complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. This program covers an injury or illness sustained in the course of employment that requires medical treatment, subject to applicable legal requirements and workers' compensation guidelines. Workers' compensation insurance coverage begins immediately upon employment with the City.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it must be reported.

Neither the City nor the workers compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's participation in an off-duty recreational, social, or athletic activity sponsored by the City or for outside employment.

Time off on workers' compensation leave will not be counted as time worked for the purposes of determining overtime. FMLA will run concurrently with workers compensation absences. See **Policy 3.04 Family and Medical Leave** for more information.

For additional information on workers' compensation, visit the Texas Workers' Compensation Commission online at <http://www.tdi.gov/wc/indexwc.html> or contact Human Resources.

### **Reporting Procedures:**

1. When an accident/injury occurs, whether medical treatment is necessary or not, the employee must report the accident/injury to the employee's supervisor.
  
2. The supervisor must then follow the steps below:
  - a) Verbally notify Human Resources, if time permits, and obtain a verbal authorization from HR on an in-network approved facility to where the employee can receive medical treatment. If the situation is a life-threatening emergency, please proceed immediately for care without authorization from HR.
  - b) Transport the employee for medical treatment to an approved medical facility or contact emergency transportation if an employee is unable to drive.
  - c) If the accident/injury occurs after normal business hours, provide the employee with a "first fill" prescription form.
  - d) If the employee goes to the emergency room for treatment, ensure that the employee receives a medical report from the health care facility that states if the employee is medically released for full duty or restricted duty.
  - e) Complete the "**Workers Compensation Claim Form**" located on the Swap Folder and provide any related documentation to Human Resources no later than the next business day.
  
3. When an on-the-job injury requires professional medical attention, the injured employee shall obtain a dated medical report (doctor's slip) from the attending physician at the time of treatment. The doctor's slip shall state if the employee is medically released for full duty or restricted duty. If the doctor recommends restricted duty, the report shall list the limitations. The employee or the employee's immediate supervisor is responsible for submitting the completed doctor's slip to the City's Human Resources Department when the Accident Form is submitted or as soon as possible thereafter. Under no circumstances will an employee be allowed to return to work without a release from the physician stating that the employee is reinstated, i.e., light duty, limited duty, full duty.
  - a) The employee shall obtain a separate doctor's slip completed for each subsequent visit to a doctor, clinic or hospital.
  - b) Employees who are authorized by a physician to be off work due to an on- the-job injury shall contact the Human Resources Department by telephone within 24 hours after each doctor visit. If the employee cannot make the call, the employee must have someone call on the employee's behalf.
  - c) An employee on injury leave is responsible for contacting the employee's department supervisor, either in person or by phone, at least once every workweek and may be required to submit proof of continuing disability from a City- designated physician.

- d) An employee returning to work from a lost time injury shall submit a completed doctor's slip reflecting the doctor's release. The doctor's release shall be submitted to Human Resources within 24 hours of the employee's return.
4. An employee who is authorized to be off duty due to an on-the-job injury shall be subject to disciplinary action if the employee:
- a) Engages in part-time or full-time work which is inconsistent with the employee's injury or illness.
  - b) Falsifies or misrepresents the physical condition or disability.
  - c) Fails or refuses to follow the instructions of the treating physician.
  - d) Fails to report for examination or treatment as directed by the treating physician.
  - e) Refuses to return to regular or modified duty when authorized by the treating physician and offered by the City.
  - f) Refuses to follow the above guidelines in Section 5.12.

The maximum duration of injury leave is 12 months. An employee on Worker's Compensation injury leave who is not able to return to the employee's regular position before the expiration of one year from the beginning of injury leave may be terminated dependent upon requirements within the Americans with Disabilities Act. Upon rehabilitation, the former employee may be rehired if a vacancy exists if the employee has applied for the position, is qualified for the position and can do the work.

On-duty injuries or illness are subject to the same guidelines for HIPAA privacy requirements as an injury or illness which occurs outside of the work environment.

Superficial injuries such as minor cuts should be treated at the Health Department by the Employee Health Nurse whenever the Employee Health Nurse is available.

Employees who need medical treatment have the right to choose a doctor or medical facility from the Texas Department of Insurance list of designated doctors.

### **Supplemental Benefits:**

Supplemental Injury Benefits may be paid by the City to full time regular employees, sustaining an on the job injury, to make up the difference between Workers' Compensation benefits and the employee's regular net pay. This pay is subject to regular payroll deductions.

Supplemental Injury Benefits will be provided for a **12-week period** starting when an eligible employee is unable to work.

Vacation and sick leave will accrue during the **12-week period** in which the employee is unable to work due to the disability, illness, injury, or medical condition.

At the expiration of the **12-week period**, the employee may use the employee's available vacation and sick leave balances to continue receiving supplemental pay. The employee may supplement their pay for the duration of the injury leave if vacation and sick leave balances are available. Vacation and sick leave will continue to accrue while utilizing the leave to supplement their pay. Employees choosing not to use their available vacation and sick leave balances to supplement their pay will cease to accrue leave at the expiration of the 12-week period until they are able to return to work.

For Civil Service, the leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary, the leave shall continue for at least one year.

**Eligibility for Supplemental Injury Benefits:**

Emergency, seasonal, temporary, part-time, or other irregularly scheduled employees are not eligible to receive injury leave.

The eligible employee must report to the Human Resources Department by telephone within 24 hours of every follow up doctor's appointment.

The eligible employee will no longer be entitled to Supplemental Injury Benefits if the employee resigns, is terminated from employment for any reason, retires, or does not comply with the requirements of this policy.

The eligible employee must agree to perform regular or modified duties, as assigned, when allowed by the treating physician and/or City's designated physician.

If an employee's supplemental injury benefits are terminated for failing to comply with any of the requirements listed herein, the employee will be notified, in writing, by the Administrative Services Director. Once supplemental injury benefits have been denied or terminated for any given injury, the employee shall not be eligible to receive supplemental injury benefits in the future in relation to the same injury. The employee shall cease to accrue vacation and sick leave.

**Payment for Supplemental Injury Benefits:**

Supplemental Injury Benefits will also be provided when the employee sustains a job-related injury, returns to work, later begins losing time due to the initial injury, and qualifies to receive temporary income benefits. Non-Civil Service employees will be provided up to twelve weeks of Supplemental Injury Benefits for the same injury. Supplemental Injury Benefits will not be provided for follow-up doctor visits or continuing physical therapy once the employee has returned to work.

Supplemental Injury Benefits may not result in an increase in the employee's net pay as compared to the employee's net pay before the injury or illness. Net pay is comprised of the weekly non-taxable Workers' Compensation pay and the Supplemental Injury Benefit pay.

Employees are not entitled to receive both Workers' Compensation weekly pay and their regular paycheck. If an employee is overpaid, the employee shall repay the amount of the overpayment. The Finance Department may schedule the payments if necessary, by deducting the overpayment amount from the employee's paycheck as indicated on the employee's authorized deduction form.

**Voluntary Salary Continuation:**

Effective June 16, 1998 the City allows injured employees to voluntarily agree to exchange their weekly workers' compensation check for their regular City payroll check. This is a voluntary program in lieu of the standard practice of deducting the workers' compensation payment from the regular paycheck prior to issuance. If an employee chooses to participate, the employee shall complete a ***Voluntary Salary Continuation Agreement - Form 23*** and submit the form to the Human Resources Department within 7 days from the date of injury.

**Serious Health Condition/Disabilities:** The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. If these employees can perform the essential functions of their jobs, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their conditions are not a direct threat to themselves or others, the City will treat them the same as other employees.

**Medical Information from an Employee's Doctor:** Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

**Genetic Information:** In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

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

## Chapter 6 - Conduct

### 6.01 Employee Conduct, Work Rules, Disciplinary Action

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

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

**Progressive Discipline:** The City makes a good faith effort to utilize a progressive disciplinary system. The City is not obligated to use all the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance, prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the use of the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- verbal correction
- written reprimand
- suspension (without pay)
- demotion
- termination

**Documentation:** All forms of discipline, **other than verbal warnings**, must be documented and placed in the employee's personnel file. Supervisors shall document verbal warnings for their records. In the event an employee is to be terminated, the supervisor shall forward a copy of the documentation to the Administrative Services Director for review prior to taking the action, who shall brief the City Manager regarding the termination. The Department Director will also make a recommendation concerning the discipline recommended and, if necessary, possible rehiring (or not rehiring) of the person in the future.

**Investigations:** Matters that involve potential policy violations by a City employee shall be addressed at the lowest possible supervisory level. When departments receive complaints from external customers regarding job performance and/or policies alleged to have been violated that do not violate State or Federal law the investigation into the matter shall be conducted under the supervision of the Department Director. In the instance where an external customer is dissatisfied with the result of a departmental investigation, further investigation and review will be handled by Human Resources if requested by the external customer.

Complaints from external customers regarding alleged policy violations that violate State or Federal law and complaints submitted by a City employee against another City employee shall be investigated by Human Resources. Investigations involving members of the Police Department and Fire Department shall be conducted according to departmental procedures, civil service laws and local rules, and/or collective bargaining agreements.

**Supervisory Responsibility:** All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct reviews of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance issues as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

**Documentation:**

- a) Make a record immediately following the incident while the facts are still fresh in everyone's mind and witnesses are readily available.
- b) Document everything. When in doubt, write it out!
- c) Do not get bogged down with petty details and subjective opinions. Stick to the main points, develop the facts and do not cloud the issues.
- d) Relate the incident(s) to the Employee Policy Manual and procedures which the employee has acknowledged receiving and agreed to be bound by as a condition of employment.
- e) Do not be vindictive, retaliatory or profane – take the high road. Disciplinary action should not be a character assassination no matter how upset or angry you may be. Stay focused on work-related issues.
- f) Consider giving your employees the chance to provide their side of the story in writing. This makes good business sense for several reasons: it builds confidence in your disciplinary procedure and helps reduce the appearance of “building a case” against employees; it also preserves an account of the facts of the incident and minimizes the chances of employees changing their story later.

**Review by Administrative Services Director:** Any proposed disciplinary action more than a written reprimand must be reviewed by the Administrative Services Director prior to being given to the employee. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period.

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

During investigation, hearing, or trial of an employee on any criminal charge, the employee may be placed on Administrative Leave with or without pay, for the duration of the proceedings (whenever such suspension would be in the best interest of the City). A PAF documenting the Administrative Leave will be issued by the Department Director. A copy will be kept in the employee's personnel file in Human Resources. This is not a disciplinary action, but merely a status until the results of the investigation, hearing, or trial are completed.

**Disciplinary Meeting:** A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day or more, demotion or termination. The Department Director, the affected employee, the Administrative Services Director and anyone else deemed necessary by the Department Director will typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. If possible, employees will be given advanced notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

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

- a) Unauthorized or unapproved removal or use of City property or other property not belonging to the employee.
- b) Falsification of timekeeping or other records, including employment application.
- c) Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs.
- d) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment.
- e) Violation of City's policy regarding sexual or other unlawful harassment.
- f) Interfering with work schedules or another employee's ability to work.
- g) Misuse of City telephones, computers, mail systems, internet, etc.
- h) Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval (*this does not include events covered by federal or state law*).
- i) Breaks more than the allotted time allowed.

- j) Violation of smoking policy.
- k) Violation of safety or health rules and failure to immediately report an on-the-job injury/accident.
- l) Profanity, abusive language, or racial slurs.
- m) Unauthorized disclosure of confidential information.
- n) Violation of any provision of the City Charter.
- o) Violation of City or departmental policies, codes of conduct, rules and procedures.
- p) Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others.
- q) Making or publishing false or malicious statements about the City, or a City employee or resident.
- r) Documented unsatisfactory performance or conduct.
- s) Inefficiency, incompetence or neglect of duty.
- t) Fighting, provoking or instigating a fight, or threatening violence.
- u) Disruptive activity in the workplace.
- v) Engaging in a work stoppage.
- w) Conduct which results in waste or damage of a coworker's, City, or citizen-owned property.
- x) Insubordination or other disrespectful or unprofessional conduct.
- y) Discourteous treatment of the public.
- z) Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle).
- aa) Violation of local, state or federal law.
- bb) Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges.
- cc) Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension.
- dd) Outside employment that conflicts with, or potentially conflicts with, City interests.
- ee) Acceptance of payment of any kind for activities related to City Employment.
- ff) Failure or refusal to follow lawful instructions.
- gg) Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations).
- hh) Dishonesty, including misrepresentation during the hiring process.
- ii) An accumulation of minor infractions.
- jj) Job abandonment occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate instruction to report to work, for one day. Attempts to contact the employee must be made by the department or Human Resources. Barring extenuating circumstances, the employee is deemed to have abandoned his/her job and shall be considered a voluntary resignation.

## 6.02 Employee Appeal/Grievance Process

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The purpose of this policy is to provide employees guidelines for appealing disciplinary actions as well as discussing and resolving grievance matters and procedures to follow when those matters are not resolved to the employee's satisfaction.

### **Definitions:**

**Business Day:** Any day the City is open to conduct normal business. The business day after the day the appeal/grievance is filed will be considered the first business day within the appeal/grievance procedure.

**Appeal:** A request by the employee for the City Manager or City Manager's designee to review a disciplinary decision issued by the employee's supervisor.

**Grievance:** A claim by the employee that the City has engaged in conduct that constitutes an unequal and/or unlawful treatment, interpretation, and/or application of City or departmental policies, procedures, or practices; and retaliation.

A grievance does not include complaints related to:

- a) Job or duty assignments
- b) Work schedules and shift assignments
- c) Staffing levels
- d) Disciplinary matters
- e) Performance reviews
- f) Personality conflicts

### **Procedure:**

#### **Appeal Procedure**

An employee who wishes to appeal a disciplinary action may do so by the following procedure. The employee must complete **Form 24 - Disciplinary Appeal Form** and submit to the Administrative Services Director within ten (10) business days of the disciplinary action(s) taken. **Terminations cannot be appealed.**

#### **Appeal to the City Manager**

In the event the disciplinary action is eligible to be appealed, and is requested, the City Manager shall hear/review the appeal and render a written decision to the employee and Department Director within a reasonable time of the request being submitted to the Administrative Services Director. The City Manager reserves the right to appoint **one or more designees** to hear/review an appeal in the City Manager's stead at any time during the appeal procedure. Employee representation will be allowed if requested for a hearing.

The City Manager or the City Manager's designee shall have the absolute right to determine the case on the merits. The decision of the City Manager is final.

Positions classified as Director level and above have no right of appeal. Employees serving the initial orientation period have no right of appeal for disciplinary action taken against them.

### **Grievance Procedure**

An employee who believes to have grounds for a grievance is strongly encouraged to discuss the matter with the employee's immediate supervisor. If the immediate supervisor cannot resolve the employee's concerns, the employee may pursue filing a formal grievance in accordance with this policy. Nothing shall preclude the employee from filing a formal grievance instead of first addressing the issue with the employee's immediate supervisor.

### **Three Step Grievance Process**

#### **a) Step One – Immediate Supervisor**

Any employee wishing to file a formal grievance should complete the ***Employee Grievance Form - Form 9*** and submit the Employee Grievance Form to the Administrative Services Director within ten (10) business days of the date the employee first knew, or with reasonable diligence should have known, of the decision, action, or circumstance giving rise to the grievance. The Employee Grievance Form shall serve as the document of record throughout the process.

Once received, the Administrative Services Director will provide the form to the grieving employee's immediate supervisor and the employee's immediate supervisor shall provide a written response to the grieving employee within a reasonable time period of receiving the grievance. Employees who attempt to grieve an act that does not fall within the guidelines of this policy will receive notice that the grievance is dismissed and will receive a copy of this grievance policy for guidance.

Grieving employees who are dissatisfied with the immediate supervisor's decision may appeal the decision in writing to the Department Director within ten (10) business days after receiving the supervisor's decision.

#### **b) Step Two – Department Director**

The Department Director may schedule a meeting with the grieving employee and provide a written response to the grievance within a reasonable time period of receiving the grievance request.

Grieving employees who are dissatisfied with the Department Director's decision regarding the grievance may appeal the decision in writing to the City Manager or designee as assigned by the City Manager, within ten (10) business days of receiving the Department Director's decision.

c) **Step Three – City Manager or Designee**

The City Manager or designee assigned by the City Manager may schedule a meeting with the grieving employee within a reasonable time period of the request. A written response to the grievance will be provided to the employee within a reasonable time period after meeting with the employee to hear the grievance. The decision of the City Manager or designee is final.

## **6.03 Sexual and Other Unlawful Harassment**

Effective Date: 03/01/2015

Revision Date: 10/01/2024

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. Harassment is prohibited both during work hours and at any work-sponsored social function or other event. Online harassment, including but not limited to harassment via social media, is strictly prohibited. City employees are also prohibited from engaging in unlawful harassment of other employees, residents, vendors, or any others the employees interact with during business hours.

**Sexual Harassment:** All types of sexual harassment are prohibited, including harassment based upon pregnancy, sexual orientation, transgender status, and gender identity. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual desirability or lack of desirability, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; gender stereotypes about women or men; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.



**Other Prohibited Harassment:** In addition to the City's prohibition against sexual harassment, harassment based on any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone based on a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, sexual orientation, transgender status, pregnancy, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

**Mandatory Reporting:** The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- a) the Department Director;
- b) the Administrative Services Director; or
- c) the City Manager.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the Director of Human Resources. A formal Complaint Form is available from the Administrative Services Director.

Under this policy, an employee may report to and/or contact the Administrative Services Director directly, without regard to the employee's normal chain of command.

Voice messages or e-mails may be left at any time.

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

**Retaliation Prohibited:** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited and will not be tolerated. Acts of retaliation must be reported immediately as set out above.

**Responsive Action:** Misconduct constituting harassment or retaliation will be dealt with promptly and appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

## **6.04 Drug and Alcohol Use Policy**

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

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

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

### **CBD and Hemp Products**

Applicants and employees who use CBD and/or hemp products are advised that many of these products are unregulated and may contain THC, the psychoactive ingredient in marijuana, and may cause an applicant or employee to test positive. A positive drug test result caused by CBD or hemp products will be treated as positive unless otherwise required by law.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive the employee's own personal vehicle while under the influence of alcohol. No employee in the employee's work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

**Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia:**

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

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

Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

**Police Department Employees:** Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties.

Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

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

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



**Mandatory Reporting of Arrests and Convictions:** Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

**Off-Duty Conduct:** The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use, or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including termination.

**Rehabilitation/Treatment:**

It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation **before** it impairs job performance and/or jeopardizes the employee's employment.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. **(An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.)** The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during an employee's employment with the City.

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

- a) Initial negative test for drugs and/or alcohol before returning to work.
- b) A written release to return to work from the City-approved rehabilitation or treatment facility/program.
- c) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable.
- d) In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment.

The employee must enter into an agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Administrative Services Director. The employee must meet with the Administrative Services Director to discuss the terms of continued employment and sign an agreement before returning to work.

**Policy Violations:** Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Administrative Services Director to receive assistance or referrals to appropriate resources in the community.

### **TESTING:**

#### **Types of Tests:**

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally accepted testing procedure.

#### **Testing of Applicants:**

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

### Testing of Employees:

Employees may be tested for alcohol and/or illegal and unauthorized drugs after automobile accidents as outlined in the chart below, when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.

The City will utilize the following standards for drug and alcohol testing after automobile accidents for non-DOT drivers. Drug and alcohol tests will be conducted after accidents in which the City employee driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation and/or by a peace officer's crash report) and for all fatal accidents even if the City employee driver's performance is not identified as a factor or condition of the accident as noted by a citation and/or within the peace officer's crash report. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a City owned vehicle operating on a public road in commerce, as follows:

Type of Accident	Citation Issue to City Driver	Test Required
Human Fatality	Yes or No	Yes
Bodily Injury with Immediate Medical Treatment Away from the Scene	Yes	Yes
Bodily Injury with Immediate Medical Treatment Away from the Scene	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	No

Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (**Refer to Form 12 - Supervisors Report of Reasonable Suspicion**) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or thirdparties, and other evidence supporting the reasonable suspicion testing).

Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.



**Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.**

A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment.

The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

### **Testing Procedures:**

- a) All testing must normally be authorized in advance by both the employee's Department Director and the Administrative Services Director. If the Department Director is unavailable within a reasonable period, the Administrative Services Director may, with sole discretion, authorize the testing of an employee. If the Administrative Services Director is unavailable within a reasonable period, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
- b) If an employee's conduct resulted in a workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will arrange to have the employee transported home after the testing.
- c) All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
- d) Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Administrative Services Director; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

## 6.05 Drug and Alcohol Use Policy for DOT Employees

Effective Date: 03/01/2015

Revision Date:

**Employees/Applicants Subject to Testing:** City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Administrative Services Director will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

***Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.***

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. Refer to **Appendix A** for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles on Appendix A may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

### **Prohibited Alcohol Use:**

- a) **On-duty and Pre-duty Use:** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:
- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
  - While using alcohol; or
  - Within 4 hours after using alcohol.

- b) **Use Following an Accident:** An employee required to take a post- accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post- accident alcohol test, whichever occurs first.

**Prohibited Drug Use:** Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee’s ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

**Required Alcohol and Drug Tests:** DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

- a) **Pre-employment Testing:** Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.
- b) **Post-accident testing:** Drug and alcohol tests will be conducted after accidents in which the driver’s performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows.

Type of Accident	Citation Issue to CMV Driver	Test Required
Human Fatality	Yes or No	Yes
Bodily Injury with Immediate Medical Treatment Away from the Scene	Yes	Yes
Bodily Injury with Immediate Medical Treatment Away from the Scene	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	No

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

**Post-Accident Alcohol Testing:** If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Administrative Services Director by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Administrative Services Director.

**Post-Accident Drug Testing:** A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Administrative Services Director.

**Reasonable Suspicion Testing:** Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Administrative Services Director. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Administrative Services Director.

**Reasonable Suspicion Alcohol Testing:** Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Administrative Services Director. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Administrative Services Director.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- a) An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- b) 24 hours have elapsed since the reasonable suspicion observation was made.

**Reasonable Suspicion Drug Testing:** A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Administrative Services Director.

**Random Testing:** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.



A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

**Return-to-duty and follow-up testing:** Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations, or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

**Refusal to Test:** An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

**Additional Information About Alcohol Testing:**

**Consequences of a Positive Alcohol Test:** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)

**Alcohol Testing Procedures:** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

**Drug Testing Procedures:**

Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Administrative Services Director. The second test will be at the driver’s own expense.

**Drugs Tested For:** DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Opiates – opium and codeine derivatives
- Amphetamines and methamphetamines
- Phencyclidine (PCP)

***A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, (1) test for other controlled substances pursuant to its general Drug and Alcohol Use Policy; or (2) modify the list of DOT tested drugs at the direction of DOT.***

**Review of Drug Test Results:** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

**Consequences of a Positive Drug Test:** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

**Confidentiality:** Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Administrative Services Director. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

**Information from Prior Employers:** For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the



driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

**Record Retention:** The City will maintain and retain records under this policy as mandated by DOT regulations.

**Notification to Applicants/Employees of Positive Test Results:** The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of the driver's drug test with an MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

**Employee Admission of Drug/Alcohol Use:** An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self- identify to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

**Safety Sensitive Functions:** For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- a) All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- b) All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- c) All time spent at the driving controls of a CMV in operation;
- d) All time, other than driving time, in or upon any CMV;



- e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- f) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Transportation to Testing Site:** Except for pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will decide to have the employee transported back to the City or home, as appropriate, after the testing is complete.

**Commercial Driver's License Drug and Alcohol Clearinghouse:**

Beginning January 6, 2020, a repository created by the FMCSA began collecting information on drivers' DOT drug and alcohol violations occurring under the City's FMCSA DOT testing program.

The City and service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Motor carriers, medical review officers, third-party administrators, and substance abuse professionals must provide information when a driver:

- a) Tests positive for drugs or alcohol;
- b) Refuses drug and alcohol testing; and
- c) Undergoes the return-to-duty drug and alcohol rehabilitation process.

**The following records will be collected and maintained in the Clearinghouse:**

- d) A verified positive, adulterated, or substituted drug test result;
- e) An alcohol confirmation test with a concentration of 0.04 or higher;
- f) A refusal to submit to any test required by Subpart C of Part 382;
- g) An employer's report of actual knowledge, as defined at §382.107, including:
  - On duty alcohol use pursuant to §382.205;
  - Pre-duty alcohol use pursuant to §382.207;
  - Alcohol use following an accident pursuant to §382.209; and
  - Controlled substance use pursuant to §382.213;
- h) A substance abuse professional report of the successful completion of the return-to-duty process; and
- i) An employer's report of completion of follow-up testing. The Clearinghouse will aid the City in learning of a driver's need to start or continue with the necessary steps in the DOT return-to-duty process (i.e., Substance Abuse Professional (SAP) program) in order to operate a commercial motor vehicle (CMV).

**FMCSA requires motor carrier employers to:**

- a) Query the system for information on driver applicants, and
- b) Search the database annually for current employees.

Before the City may gain access to the information in the Clearinghouse, the driver must grant consent. Failure to provide consent prevents the City from using the CDL driver in a safety-sensitive function.

**Questions:** Anyone with questions regarding this policy should contact the Administrative Services Director

## Chapter 7: Work Environment

### 7.01 Cell Phone Use in the Workplace

Effective Date: 03/01/2015

Revision Date: 10/01/2024

Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability should be limited as to not impede work or the duties required of an employee and is **subject to a supervisor's approval**. Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Reasonable personal use of city cell phones is allowed under this policy if such use is not excessive and does not impede job performance or the performance of City business.

Except in emergency circumstances, employees are discouraged from using a cell phone while operating a City owned motor vehicle, including both making and receiving phone calls, texting, viewing the Internet, social media, reading or responding to emails. During work hours, calls may be conducted from a motor vehicle only if the vehicle has been pulled off the road, removed from traffic, and brought to a complete stop.

All employees must, when asked by the City, consent to a request to provide the City access to all City-issued cell phone and text message records during work hours. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, or text messages on these City-issued cell phones made during work hours.

#### **Public Information Act:**

Employees are advised that records related to calls, text messages, pictures and videos made and received may be subject to the Public Information Act. Information related to telephone numbers called, length of call, and time and date of call as well as the text message, picture and video itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

Employees using personal devices for City business should remain aware that using personal devices on City business could potentially expose their personal records to public scrutiny or legal subpoena.

## 7.02 Social Media

Effective Date: 03/01/2015

Revision Date: 10/01/2024

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites.

Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. Online behavior, whether on- or off-duty, must not otherwise cause harm to or misrepresent the City or its interests. Harassing coworkers or creating a hostile work environment for any employee through online posting, violates this policy.

The term "social media" encompasses: X (formerly known as Twitter), Facebook, LinkedIn, Instagram, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and other social networking sites, instant messaging and the posting of video on YouTube and similar media.

Use of City's Internet. Use of the City's Internet is a privilege and City employees must responsibly and ethically use it. The City may monitor an employee's access, use, and postings to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the City's Social media sites.

### **Other City Policies:**

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "Grievance" policy without resorting to social media.

### **Employee Guidelines During Work Time:**

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

Employees must obtain authorization from the Office of Communications, their Department Director or the employee's designee to update or post on social media sites on behalf of the City. All the employee's time spent updating or posting on City social media sites as part of the employee's job duties is



compensable time that must be reported and counted in the calculation of overtime.

No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.

Do not disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

Employees must abide by all federal and state law and policies of the City regarding City information sent through the City's Internet.

Individual supervisors do not have the authority to make exceptions to these guidelines.

#### **Employee Guidelines While Not on Work Time:**

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.

Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

Respect coworkers and the City. Do not put anything on your personal social media site that may defame the reputation of the City or any of its employees.

Do not put anything on your personal social media site that may constitute violation of the City's Harassment policy. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.

If an employee chooses to post content related to the City, the employee should make it clear that the employee is not speaking on behalf of the City, and provide a disclaimer that is visible and easy to understand such as: "The views expressed on this post are mine and do not necessarily reflect the views of the City of Texarkana, Texas."

Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City.

Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

## **7.03 Arrests, Confinements and Indictments**

Effective Date: 03/01/2015

Revision Date:

### **Policy:**

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

### **Procedure:**

**Employee Notice of Felony and Misdemeanor Charges:** Employees must immediately notify their supervisor and/or Department Director **within twenty-four (24) hours** if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Failure to report these events in a timely manner may result in immediate termination.

**Employee Status after Alleged Violation of Law:** At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- a) allowing the employee to return to regular duty with pay;
- b) allowing the employee to return to restricted duty with pay;
- c) placing the employee on paid administrative leave;
- d) placing the employee on unpaid administrative leave; or
- e) terminating the employee.

**Employee Status after Adjudication:** Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are computed and all related administrative matters are completed, the Department Director will determine, in conjunction with Administrative Services Director the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.



**Violations of Law Discovered through Criminal History Check:** The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.

**Other Policies:** This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other City-wide policies.

In addition to the policy above, civil service employees shall be governed by applicable\_departmental policies and procedures, the City's Civil Service Rules and Regulations and Chapter 143 of the Texas Local Government Code.

## 7.04 Weapons Control and Violence Prevention Policy

Effective Date: 03/01/2015

Revision Date:

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

**Zero Tolerance:** This policy prohibits harassment, threats, and violent behavior by or towards anyone in the workplace, that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero-tolerance policy for this type of misconduct.

**Weapons Banned:** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include but not limited to firearms, long guns, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

Employees may have a permitted weapon in the City parking lot if it is locked in the employee's vehicle.

**Mandatory Reporting:** Each City employee must immediately notify the employee's supervisor, Department Director, the Administrative Services Director and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as



threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify the supervisor's Department Director and the Administrative Services Director.

**Protective Orders:** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Administrative Services Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Administrative Services Director of any protective or restraining order issued against them.

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

**City Property:** For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, and parks.

**Documentation:** When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Administrative Services Director and/or the Police Department.

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

## **7.05 Searches**

Effective Date: 03/01/2015

Revision Date:

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, City social media sites, cell phones, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If documented reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal



property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the Administrative Services Director and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

## 7.06 City Property/Equipment Use

Effective Date: 03/01/2015

Revision Date: 10/01/2024

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used always.

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

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, or any other property or equipment appear to be damaged or defective or need repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

**Personal Use of City Property:** City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

**Personal Property:** All employees shall be solely responsible for their personal property always.

### **Phones & City Issued Wireless Devices:**

Phones in City offices are intended to be used for official City business. Any personal calls shall be kept to a minimum and shall not interfere with the operations of the employee's work or department. If an employee's supervisor determines that this privilege of phone use is being abused or is interfering with department operations, this privilege may be restricted or removed.

### **Wireless Phones:**

It is the policy of the City to provide wireless phones to designated employees in order to improve productivity, enhance customer service to citizens and/or to enhance public safety services.

It is also the policy of the City to maintain the right to access and disclose any and all messages communicated through electronic means when City-owned equipment is used. Regardless of the intent of the message (business or personal), an employee has no expectation of privacy concerning the content of any message or the intended destination of any message.

Employees eligible for assignment of City-owned wireless phones are those designated by the City Manager and/or Department Directors, including but not limited to:

- a) Employees who are frequently in a vehicle who must conduct City business by phone while in the field and it can be shown that cost savings and customer service efficiency will be realized through use of such devices.
- b) Employees who have a critical need to maintain accessibility with other departments, managers, City management staff and/or public officials, in order to ensure uninterrupted customer service and/or the integrity of the organization; public safety positions and vehicles in order to provide immediate and direct phone communications with citizens, outside agencies cooperating in operations, or other resource entities outside of City government and to provide for communications which may be inappropriate for mobile radios.
- c) Employees involved in the City's emergency response plan.
- d) Department Directors and employees who have a responsibility for responding to public safety incidents in the field.

Employees who are assigned the use of City-owned wireless phones are responsible for:

- a) Ensuring the physical security of such devices. In case of negligence, the employee will be responsible for reimbursing the City any cost incurred in replacement or repair of the phone.
- b) Keeping personal communications to a minimum.
- c) Ensuring that any personal use does not detract from the employee's availability for completion of assigned duties.
- d) Being available to receive calls or text messages while working or on-call.



- e) Using good judgment while speaking or sending text messages, as all phone records are subject to Open Records Requests.
- f) Not using the phone, sending or reading text messages while driving a City vehicle. Employees who are charged with traffic violations resulting from the use of their phones while driving will be subject to disciplinary action up to and including termination of employment. The only exception is public safety employees conducting official business per their department's guidelines.
- g) Providing the appropriate employees/supervisors notification of any repair, lost, stolen, or damaged equipment.
- h) Surrendering a City-owned phone upon request of a Department Director, regardless of reason.
- i) Ensuring compliance with appropriate records retention schedules.

### **Employee Cell Phone Allowance:**

In lieu of a City-issued wireless phone, upon approval, employees may be eligible for a cell phone allowance for use of their personal cell phones for City business.

**Allowance Amount:** The standard bi-weekly cell phone allowance amount shall be determined by Finance.

**Allowance Payment:** The approved cell phone allowance will be paid bi-weekly as part of the employee's paycheck on 26 pay periods.

This allowance does not constitute an increase to base pay and it is not included in the regular rate of pay. It will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.

Employees who receive a cell phone allowance are responsible for:

- a) Retaining an active cell phone as long as a cell phone allowance is in place.
- b) Providing their department head with their current cell phone number and immediately notifying their department head if the number changes.
- c) Carrying the cell phone on their person both on and off duty and responding when called for City business.
- d) Understanding that data (phone records, messages, photographs, etc.) contained on their personal cell phone may be subject to inspection during administrative investigations, if deemed relevant to the investigation.
- e) Must provide phone for examination and/or provide information that is related to the operations of the City, pursuant to the Texas Public Information Act.
- f) Ensuring compliance with the City's record retention schedule.

## 7.07 Take-Home Vehicles/City Vehicles/Auto Allowance

Effective Date: 03/01/2015

Revision Date:

This policy is intended to ensure the safety and well-being of City employees; to facilitate the efficient and effective use of City resources; to minimize the City's exposure to liability; to monitor the use of City-owned vehicles; and to comply with Internal Revenue Service regulations relating to City vehicle usage.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability for the benefit of commuting to and from work in a City vehicle (\$3.00/day for five days each week added to gross income) Police and fire vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

### **Assignment of Take-Home Vehicle:**

A take home vehicle may be assigned to an employee for any of the following reasons:

- a) When taking home a City-owned vehicle serves a valid public purpose.
- b) When the employee responds to frequent emergency calls from home or is on call-back or standby status.
- c) When the responsibilities of the position require that the person be available to respond to situations with the necessary specialized equipment and/or skill that requires the City vehicle for transportation.

The City reserves the right to review the continuing need for any vehicle assignment and may withdraw or reassign such vehicle at any time.

### **Use of Take-Home Vehicles:**

Authorized personnel who utilize take-home City vehicles will adhere to good stewardship practices and common sense pertaining to responsible use of the vehicles. Employees who use take-home vehicles must adhere to the following general instructions:

- a) Employees are prohibited from transporting non-City business related persons in any City take-home vehicle.
- b) In no case shall a City vehicle be used while purchasing, transporting, or consuming alcohol, unless in the course of an investigation that involves alcohol.
- c) Aside from providing services and conducting business, take-home vehicles may be used for commuting and de minimis personal errands during workdays, pursuant to Internal Revenue Services (IRS) regulations. An employee may utilize their City take-home vehicle for lunch and/or break time purposes during workdays as long as it is within reasonable distance from the employee's place of work that day. These regulations may be amended by the IRS from time to time.

**Requirement for All City Owned Vehicles:**

The following requirements are applicable to both take-home and non-take-home City vehicles:

- a) Only City employees are authorized to operate City vehicles.
- b) All operators of City vehicles shall possess a valid drivers license.
- c) All drivers and business travelers must wear seat belts and obey all traffic laws.
- d) All City vehicles must be operated in the manner prescribed in applicable State laws and City ordinances.
- e) Employees are strictly prohibited from operating a City vehicle while under the influence of alcohol or illegal drugs, and are likewise prohibited from operating a City vehicle while using a prescription, over-the-counter or non prescribed medicine which may impair their ability to safely operate a motor vehicle.
- f) Employees may not use their phone, send or read text messages while driving a City vehicle. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. The only exception is public safety employees conducting official business.
- g) Employees are responsible for notifying the City within twenty-four (24) hours if their license is suspended. It is the responsibility of the employee to ensure that all City issued vehicle insurance documentation and registration be in the vehicle at all times. In the case of an accident, the employee driving a City-owned vehicle shall immediately notify law enforcement to report the accident.
- h) Employees must comply with all preventative maintenance programs required by the City. Further, all employees driving City vehicles are required to report and explain any and all abnormalities noticed by the driver to their supervisor.
- i) Vehicles shall be kept free of unnecessary litter and debris. The physical appearance of the vehicle must create a positive impression of the City.
- j) Employees who do not comply with the provisions of this policy shall be subject to disciplinary action up to, and including termination of employment.

**Vehicle Allowance:** An employee may be given a monthly allowance for consistently using the employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

**Using Personal Vehicle While Conducting City Business:**

If an employee drives a personal vehicle while carrying out City-related business, the employee must comply with the following:

- a) Must possess a valid drivers license.
- b) Must wear seat belts and obey all traffic laws.
- c) Must be operated in the manner prescribed in applicable State laws and City ordinances.

- d) Strictly prohibited from operating the employee's personal vehicle while under the influence of alcohol or illegal drugs, and are likewise prohibited from operating the employee's personal vehicle while conducting City business while using a prescription, over-the-counter or non-prescribed medicine which may impair their ability to safely operate a motor vehicle.
- e) Employees may not use their phones, or send or read text messages while driving their personal vehicle and conducting City business. Employees who are charged with traffic violations resulting from the use of their phones while driving will be solely responsible for all liabilities that result from such actions.
- f) Employees are responsible for notifying the City within twenty-four (24) hours if their licenses are suspended. It is the responsibility of the employee to ensure that vehicle insurance documentation and registration are in the vehicle at all times. In the case of an accident, the employee shall immediately notify law enforcement to report the accident.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

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

## 7.08 Safety

Effective Date: 03/01/2015  
Revision Date: 10/01/2024

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of the job, by remaining alert, and by **THINKING SAFETY** at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management at once.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with and apply such rules at all times:

- a) Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, and other people when those items are appropriate to the task being performed.
- b) Smoke only during designated times in authorized outside areas.
- c) Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, and other slip/trip hazards. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- d) To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- e) Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- f) Material Safety Data Sheets (MSDS) - Employees will be shown the location of the City's Material Safety Data Sheets. MSDS provide valuable information about various chemicals and other agents that may be encountered in the work. MSDS explain possible reactions to exposure, and steps for employees should take if it occurs. Review this information as often as necessary.
- g) Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- h) Do not put fingers, hands, feet or clothing in moving machinery.
- i) Do not carry items in a manner that obscures vision.
- j) Do not block access to fire extinguishers.
- k) Do not touch open or loose electrical circuits.
- l) Report unusual vibrations, smells, or noises coming from equipment.
- m) Do not wear rings or jewelry while operating machinery.
- n) Do not perform maintenance or repairs on running equipment.
- o) Do not remove or alter warning tags or safety devices.
- p) Do not leave nails or spikes protruding from planks or boards.
- q) Perform routine maintenance at all scheduled intervals.
- r) Do not use compressed air for cleaning clothing or floors.

### **Accident Reporting:**

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Administrative Services Director. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or intensify dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

**Accidents Involving City Equipment or Vehicles:**

Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle and submit the report to the supervisor.

Drivers must follow all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 17 may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

**Tobacco Use Prohibited:** The use of all tobacco products of any kind, including smokeless electronic cigarettes is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. Employees are welcome to smoke on their rest breaks outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

## **7.09 Hazard Communication Policy**

Effective Date: 10/01/2024

Revision Date:

The purpose of this policy is to ensure compliance with the Texas Hazard Communication Act (“HAZCOM” or the “Act”), Chapter 502 of the Texas Health and Safety Code, as required of public employers in Texas. This Act ensures employees receive information regarding hazardous chemicals in the workplace to which they may be exposed, and that the City provides required notices, training, chemical lists and labeling, Safety Data Sheets and Personal Protective Equipment (PPE) at each worksite where such chemicals are stored.

All City departments and employees, including full-time, part-time, temporary and seasonal employees, which use or encounter hazardous materials are responsible for compliance with HAZCOM. The following level of responsibilities are established:

**a) Human Resources shall:**

1. Ensure the policy and any necessary updates comply with the Act and remain available and published within this policy manual.
2. Ensure required notices remain updated and provided to departments for posting.
3. Make sure that departments allow for the initial required training upon being hired.
4. Provide any required reporting to the State of injury or deaths that warrant a report to the State.
5. File the annual community right-to-know report in accordance with Section 506.005 of the Texas Health and Safety Code with the State as required by the Superfund Amendments and Reauthorization Act.
6. Be responsible for soliciting departments and updating the City-Wide Master Workplace Chemical List by March 1<sup>st</sup> annually.
7. Maintain the Workplace Chemical List for at least 30-years.

**b) Department Directors shall ensure:**

1. That all supervisory personnel in their divisions are extensively trained regarding hazardous chemicals, requirements of this Policy and the Act, and take measures to implement processes for compliance and safe environments for their employees to minimize exposure and/or injury.
2. The required notices are posted in each division/building occupied by their employees.
3. Workplace Chemical Lists are maintained accurately for each division and provided annually and timely to the Human Resources Department on the required forms based upon data provided for each SDS/MSDS of chemicals stored at the worksite(s).

**c) Supervisors at each worksite shall:**

1. Provide departmental training compliant with provisions herein to each new employee.
2. Maintain training records for each new employee trained.
3. Maintain Worksite Chemical Lists and their respective Safety Data Sheets (SDS) for current chemicals and those no longer at the worksite.
4. Provide all necessary and required PPE for the chemicals on the worksite based upon information provided in the Act.

**d) Employees shall:**

1. Complete required training and comply with safety expectations relating to chemicals, exposure, and labeling.

**Exemptions:**

Per Section 502.004(f), the following chemicals are exempt from the requirements of the Act and are outside the scope of this written program:

- a) Hazardous waste that is subject to regulation by the Texas Commission on Environmental Quality (TCEQ) and/or the U.S. Environmental Protection Agency.

- b) Tobacco or tobacco products.
- c) Wood or wood products.
- d) Articles formed to a specific shape or design during manufacture and that do not release or otherwise result in exposure to a hazardous chemical under normal conditions of use.
- e) Food, drugs, or cosmetics intended for personal consumption by an employee while in the workplace.
- f) Consumer products or hazardous substances when used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers.
- g) Radioactive waste.

**Required Workplace Notice:**

The Human Resources Department provides the required Texas Hazard Communication Act Notice within the large compliance poster located in the Human Resources office and updated annually or as needed. Notices should be clearly posted and unobstructed.

**Safety Data Sheets and/or Material Safety Data Sheets:**

Safety Data Sheets (SDS) are the new versions and should replace Material Safety Data Sheets (MSDS) on file over time.

SDS or MSDS for each hazardous chemical purchased, stored, and/or used at the worksite are required to be maintained, in hard copy or electronic form, and readily available to employees.

As SDS are received, they replace the MSDS on file.

Training on both the old MSDS and the new SDS should continue until the worksite no longer has any of the old MSDS on site.

SDS/MSDS received should be reviewed by the supervisor/manager at the worksite. Check for new and significant health/safety information and pass that new information on to the employees.

Hazardous chemicals received without an SDS or MSDS must not be used until a current SDS or MSDS is obtained.

Missing SDS or MSDS must be requested from the appropriate source (e.g., chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.

Both active and inactive SDS/MSDS should be maintained in the worksite as the City must keep chemical lists for 30 years.

### **Chemical Container Labels:**

Managers/Supervisors at each worksite must ensure that all hazardous chemical containers are properly labeled. SDS/MSDS should be utilized to verify label information.

- a) Primary chemical containers should be clearly labeled to include:
  1. Chemical identity as it appears on SDS/MSDS.
  2. Appropriate hazard warnings.
  3. Name and address of the manufacturer.
- b) Secondary containers of the hazardous chemical must only include a label with (a) (1.) and (2.) above.
- c) If an alternative labeling system is used (such as the National Fire Protection Association (NFPA)), a description of that system should be provided to employees.
- d) If an employee transfers chemicals from a labeled container to a portable container that is intended only for immediate use, no labels are required on the portable container. Chemicals transferred and stored in a portable container must be labeled in compliance with (b) above.

### **Employee Training:**

- a) **Initial Training:** Every full-time, part-time or seasonal employee must complete initial training on the Hazard Communication Act since each employee may be exposed to or work with hazardous chemicals (even in office areas; e.g. white out, toner cartridges, etc.) during the employee's tenure at the City.
- b) **Departmental Training:** Once the employee reports to the worksite (new and/or promoted/transferred), the supervisor/manager must provide departmental training for hazardous chemicals that includes the following:
  1. SDS/MSDS and information included for all chemicals on site
  2. Location(s) of the hazardous chemicals
  3. Physical and health effects of exposure to the chemicals
  4. Proper use, permeability, fit, functionality, maintenance and storage of PPE
  5. Safe handling of the hazardous chemicals
  6. First aid treatment for exposure to the chemicals
  7. Safety instructions regarding clean-up and disposal

Departmental training records must be maintained and include:

1. Date of training
2. List of those trained at that session
3. Instructors
4. Topics covered
5. Employee signatures confirming receipt and understanding of the information

Departments should use **Form 21 - Texas Hazard Communication Act Training** to document the training and send a copy to Human Resources.

**Personal Protective Equipment:**

Appropriate safety equipment, as noted on the SDS/MSDS is to be provided to employees prior to use or exposure to any hazardous chemicals.

All employees are required to use appropriate PPE when handling or using hazardous chemicals. The failure to use appropriate safety equipment may be grounds for disciplinary action, up to and including termination of employment.

**Employee Injuries or Death Involving Hazardous Chemical Exposure:**

Employees who experience harmful exposure to a hazardous chemical shall:

- a) Seek immediate medical attention.
- b) Notify their supervisor(s) immediately.
- c) Ensure that the proper documentation is submitted to Human Resources in accordance with workers compensation reporting requirements.

The City's Human Resources Department shall notify the Texas Department of State Health Services (listed below) within 48 hours after the occurrence of any employee accident that involves hazardous chemical exposure or asphyxiation,

**AND:**

- a) That is fatal to one or more employees, **OR**
- b) Results in hospitalization of five or more employees.

Texas Department of State Health Services  
Consumer Protection Division  
Environmental Operations Branch, Hazard Communication Program  
PO Box 149347, MC 2835  
Austin, TX 78714-9347  
Phone: 512-834-6787  
Fax: 512-483-3414

Employees who cause or witness an accidental release/spill of a hazardous chemical shall immediately report such release to a supervisor. Notification of 911 should be made in situations where such release is a threat to human health or the environment.

**Hazardous Chemical Disposal:**

All disposal of hazardous chemicals shall be conducted in accordance with State and Federal regulations.

**Employee Rights:**

An employee may not be disciplined, harassed, or discriminated against for exercising any rights under the Act, filing a complaint, responding to questions, or participating in proceedings related to the Texas Department of State Health Services or to the Act itself.

Employees cannot waive their rights under the Act. A request or requirement for such a waiver by the City is a violation of the Act.

### **Contractors Storing Chemicals on City Premises:**

Departments shall immediately notify Human Resources of any contractor storing hazardous chemicals in the workplace.

Contractors must provide the chemical lists to Human Resources in compliance with the Act and ensure City employees are restricted from access to such storage locations.

Contractors' chemicals must be properly labeled as required under the Act.

### **Workplace Chemical List:**

Texas Hazard Communication Act requires the City to compile and maintain a Workplace Chemical List (WCL) of each hazardous chemical normally present in the workplace in excess of 55 gallons or 500 pounds. The weight of the chemical is determined using the aggregate amount of the chemical in the entire workplace.

The WCL should include the following information for each hazardous chemical listed and for each workplace or work area for which it is prepared:

- a) The identity of the hazardous chemical as it appears on the SDS and container label.
- b) The work area(s) in which the chemical is normally present.
- c) The name and signature of the person who prepared the WCL.
- d) The date on which the WCL was prepared.

## **7.10 Workplace Monitoring**

Effective Date: 10/01/2024

Revision Date:

Workplace monitoring may be conducted to ensure quality control, employee safety, security, and customer satisfaction. There can be no expectation of privacy in the use of the City's resources, including but not limited to phones, computers, desks, vehicles, or equipment. This policy is notification to all City employees that monitoring within the workplace may occur without direct notification prior to each instance and will be conducted at times and locations deemed appropriate for business purposes. Workplace monitoring will be done in an ethical and respectful manner.

## 7.11 Travel

Effective Date: 03/01/2015

Revision Date: 10/01/2024

### **Purpose:**

To establish official travel guidelines to safeguard City funds, define reporting requirements, and ensure reimbursements comply with Internal Revenue Service (IRS) regulations. This policy will remain in effect until changed or otherwise repealed by the City Manager. It supersedes all prior published travel policies.

### **Policy:**

The travel policy is applicable to all individuals conducting official City business while traveling. Official travel should benefit the City and the traveler should have the desire and ability to make productive use of and share the knowledge gained. Employees are expected to abide by all City policies while traveling.

The City adheres to the General Services Administration (GSA) meal, lodging, and incidental per diem rates and the Internal Revenue Service (IRS) mileage rates. The policy meets IRS Accountable Plan standards based on the following guidelines in Publication 15 (Circular E) Employer's Tax Guide:

“You may reimburse your employees by travel days, miles, or some other fixed allowance under the applicable revenue procedure. In these cases, your employee is considered to have accounted to you if your reimbursement doesn't exceed rates established by the Federal Government. The government per diem rates for meals and lodging in the continental United States can be found by visiting the U.S. General Services Administration website at [gsa.gov/perdiemrates](http://gsa.gov/perdiemrates) and entering a year and state or zip code. Other than the amount of these expenses, your employees' business expenses must be substantiated. If the per diem or allowance paid exceeds the amounts substantiated, you must report the excess amount as wages. This excess amount is subject to income tax withholding and payment of social security, Medicare, and FUTA taxes. This amount is reported in box 12 of Form W-2 using code L.”

### **Travel Request Process:**

The Chief Financial Officer is responsible for the overall administration and enforcement of the travel policy through the Purchasing Administrator. Directors are responsible for approving travel by employees within their departments. Approval for travel which requires payment for registration, materials, meals, and/or overnight stay must be obtained in advance from the department director.

### **Meal Per Diem Advance:**

After director approval, the traveler may submit a Meal Per Diem Advance Form to the Purchasing Administrator to request advance payment for meal and incidental expenses while traveling. The Purchasing Administrator will review the form to make sure it is in compliance with the travel policy before forwarding the



form to the Accounts Payable Administrator for payment. The Meal Per Diem Advance form shall be accompanied by pertinent conference brochures, agendas, or schedules of meetings and state the nature of the trip, destination and dates of the beginning and end of official leave. Requests must be received in the Finance Department at least ten (10) business days prior to the departure date. A Meal Per Diem Advance will not be issued to travelers that submit late requests. Travelers may choose not to request a Meal Per Diem Advance, but instead pay for expenses when incurred with a personal or City issued credit card. The traveler may request reimbursement upon the traveler's return (**see *Expense Reimbursement section***).

### **Expense Reimbursement:**

All travelers must file a Travel Claim Form (TCF) within ten (10) business days after their return including employees that chose to use a City issued credit card. The form should completely account for all expenses incurred during the period of travel. A traveler should not pay for another traveler's expenses while on travel, including meals. Any per diem allowances or allowable expenses incurred, but not paid to the traveler prior to departure or charged on a City issued credit card will be reimbursed to the traveler upon the traveler's return and the completion of the TCF. If travel expenses charged on the City issued credit card exceed the per diem allowance for the period of travel, the traveler is required to reimburse the City for excess expenses. If a City issued credit card is used to make a purchase and the employee does not have a receipt to support the purchase, the employee must reimburse the City for the cost of the unsupported purchase. The City reserves the right to deduct amounts owed from the traveler's paycheck per the traveler's signed wage deduction authorization.

### **Allowable Expenses:**

#### **Meals and Incidentals:**

- a) Per Diem for meals and incidentals is an allowance intended to cover daily meals and incidentals.
- b) According to the GSA, meals include expenses for breakfast, lunch, dinner and related tips and taxes.
- c) According to the GSA, an incidental expense includes fees and tips given to porters, baggage carriers, and lodging staff.

Each October 1<sup>st</sup>, the GSA establishes per diem rates which vary by destination. If conference provided meals are available, the traveler is encouraged to partake in the meal offered instead of requesting a meal per diem advance for that meal. Exceptions are allowed for dietary restrictions or other unforeseen circumstances, but the traveler must include a memo stating the reason or other written documentation to support the exception. Travel day meals are reimbursed in accordance with the following rules:

- Breakfast is reimbursed if travel day departure is prior to 8:00 a.m.
- Dinner is reimbursed if return travel day arrival is after 5:00 p.m.

**Lodging:**

The rate allowed for lodging (before taxes) should not exceed the applicable per diem rate or the conference hotel rate, whichever is greater. Room rates above this limit are required to have pre-authorization by the employee's director and the Finance Department prior to booking. The policy allows for one traveler per lodging room. Room sharing is not required. Internet charges may be authorized by the employee's supervisor/director if conducting City business. The traveler is responsible for room service or other personal charges.

**Transportation:**

Cost-saving methods which include using a City vehicle or ride sharing are encouraged. Early departure or a later return resulting in substantial cost savings may be approved by the employee's director and the Finance Department.

**Air Travel:**

Authorized fares are based on economy/coach rates. No upgrades will be paid by the City. Fees incurred due to seat selection in economy/coach areas will be allowed. A traveler may upgrade using personal reward miles or by paying the difference out-of-pocket. Early booking is encouraged to ensure discounted rates. Luggage reimbursement is limited to one (1) checked bag and excludes any excess fees (i.e. overweight). Special consideration is given for fees on necessary City equipment. Airport parking is an allowable expense that will be reimbursed upon submitting the Travel Claim Form.

**Personal Vehicle:**

Mileage is calculated using Texarkana, Texas City Hall, 220 Texas Blvd. as the starting and ending destination. If travel by personal vehicle is chosen, mileage reimbursements cover all expenses related to operating the vehicle, including fuel, oil and insurance. No other vehicle expense is paid when mileage is paid to the traveler. The City does not provide insurance coverage for any employee who uses the employee's personal vehicle for business purposes. It is the employee's responsibility to protect against damage to the employee's vehicle and legal liability in such form and amount, as the employee deems adequate.

The City will typically not provide mileage reimbursement if an employee chooses to drive their personal vehicle when City provided transportation is available. The City will only reimburse mileage in an amount to ensure the employee's wages do not fall below minimum wage for the pay period in which the travel occurs. If the mileage and gas expenses do not cause the employee's wages to fall below minimum wage, the City will not provide any mileage reimbursement.

**Traveler Receiving a Vehicle Allowance:**

Employees that receive a vehicle allowance are not allowed reimbursement for fuel or mileage if the destination is within a fifty (50) mile radius of Texarkana, Texas City Hall, 220 Texas Blvd. One hundred (100) miles will be deducted from the mileage portion of the Travel Claim Form (TCF) for all travel over fifty (50) miles one way.

**Rental Car:**

Generally, car rental is the most economical means of transportation. The traveler will make rental car reservations and payment. Rental type shall be full sized or smaller. Minivans or SUV's are acceptable for parties over two. Any upgrade requested shall be paid by the requesting traveler at the daily rate difference. Free upgrades offered by the rental car agencies are acceptable. Only City employees/officials will be allowed to drive the rental car. The purchase of insurance (loss Damage Waiver) is not authorized. The City has insurance coverage for car rentals.

The City has corporate accounts with both Enterprise and Avis, and all car rentals must be completed through either company to be an allowed expense.

**City Vehicles:**

A City vehicle is encouraged when available. Fuel may be charged on a purchasing card and receipts must be kept. When fueling the City Vehicle, make note of the mileage and the unit number and note both on the receipt. A copy of that receipt must be given to Fleet Services to update the vehicle records. Employees traveling in a City vehicle that choose to also utilize public transportation while traveling will not be reimbursed for the use of public transportation unless there is an unforeseen circumstance where the City vehicle is not available or allowed to be driven.

**Other Transportation:**

Taxis, Ubers, Lyfts, shuttle fares, bus fares, and other forms of public transportation are allowed when other forms of transportation are not available.

**Registration:**

Required registration fees and materials are authorized.

**Miscellaneous Expenses:**

Allowable expenses also include tolls, parking, hotel/lodging mandated cleaning fees, copy/fax/phone charges, and other business-related expenses. Valet parking is permitted in areas where parking is limited. However, it may not be used as a convenience.

**Special Circumstances:**

When practical, official travel should occur during normal work hours. If travel occurs outside of normal work hours, every effort should be made to reduce overtime by adjusting the weekly work schedule or the accrual of compensatory time. Supervisors must approve travel outside of normal work hours.

Official travel may coincide with personal travel plans when vacation is approved prior to the trip. Any expenses not related to City business, such as extracurricular events, lodging, and meals will be the responsibility of the traveler.



A traveler is permitted to bring guest(s) and is responsible for any extra charges incurred because of guest(s). If the travel is cancelled, the City is not liable for any guest expenses, cancellation fees related to the personal travel, and the traveler will not be reimbursed.

Damage to or loss of luggage and/or other personal items is not covered by the City's insurance. Travelers should file claims with their personal insurance company or, if applicable, the airline.

**Ineligible Expenses:**

The following expenses shall be considered ineligible for advances and reimbursement:

- d) Alcoholic beverages.
- e) In-room services, dry cleaning and/or laundry, and fitness center fees.
- f) Meals included at the event the employee is attending.
- g) Expenses related to personal entertainment.
- h) Personal toiletry articles, medicines, or other personal convenience items.
- i) Loss of funds or loss/damage to personal belongings.
- j) Childcare, eldercare, babysitting, or pet care costs.
- k) Barber or salon services.
- l) Gum, candy, or any type of tobacco products including vaping supplies.
- m) Traffic/parking violations that result in fines, bail or legal fees.
- n) Medical expenses (*Human Resources will need to be contacted if a work-related injury occurs while travelling.*)
- o) ATM or banking service fees.
- p) Any expenses for spouses or traveling companions not conducting City business.

**Compensation for Travel (Non-Exempt Employees):**

All employees are subject to the Fair Labor Standards Act while travelling for work. The compensation an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours. (*Exempt employees are not entitled to any additional compensation for hours worked in excess of 40 hours during the workweek while travelling and work schedules are not required to be flexed by supervisors to offset any hours worked in excess of 40 hours for the workweek.*)

**Normal Work Hours:**

For the purposes of this policy, normal work hours are defined as an employee's regularly scheduled work hours (e.g., 8:00 am to 5:00 pm). This definition applies to normal workdays (Monday – Friday) and to weekends (Saturday and Sunday).

**Travel Time:**

Travel time is defined according to the type of travel involved:

- a) Travel for a one-day assignment in another city: An employee who regularly works at a fixed location and is given a special one-day assignment in another city and returns home the same day will be paid for



- the time spent travelling to and from the other city, except for the time the employee would normally spend commuting to and from the regular worksite.
- b) Travel during the workday: Time spent by an employee travelling as part of the employee's regular job duties, such as travel from jobsite to jobsite during the workday, is work time and will be paid as such.
  - c) Travel away from home: Travel that keeps an employee away from home overnight is travel away from home. Travel time that takes place within normal work hours, regardless of the day of the week, is treated as work hours. When an employee travels between time zones, the time zone associated with the point of departure should be used to determine whether the travel falls within normal work hours.
  - d) Time spent travelling from home to an airport terminal or train station is considered commute time and is not treated as hours worked. Time spent waiting at a terminal until arrival at the destination is compensable when it occurs during normal work hours.
  - e) Travel time as the driver or passenger of an automobile: All authorized City related travel time spent as the driver or passenger of an automobile is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours.

## **7.12 Dress, Appearance and Uniforms**

Effective Date: 03/01/2015

Revision Date: 10/01/2024

Employees must always dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the workplace year-round, in accordance with this policy. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits and business attire are proper for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.). Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police, Fire and Maintenance/Operations department employees may be covered under departmental policies regarding appropriate dress and appearance.

### **Standards for Work Attire:**

Jeans and athletic shoes are not acceptable, unless a special day is declared or as specifically approved by the appropriate Department Director as work assignments dictate. Fridays are casual day and jeans are acceptable.

Sweatshirts, sweatpants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City management or shorts have been approved as part of the standard uniform.

T-shirts are not acceptable unless they are a part of a City approved uniform.

Hair color may be altered but hair colors must be appropriate to the employee's position, and consistent with the City's core values. Hair, including facial hair, must be clean and neatly groomed.

**The following are inappropriate:**

- a) Provocative or revealing clothing;
- b) Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- c) Wrinkled, ripped and tattered clothing;
- d) Visible tattoos which could be deemed harassing;

**Uniforms:** The City supplies many Fire, Police, and General Fund personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. Police Officers may use City uniforms in connection with outside employment only with the Department Director's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck so long as the employee's wages are not reduced below minimum wage.

**Enforcement:** In all cases, each Department Director will make the determination as to acceptable dress, appearance and grooming in their department. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director or the Administrative Services Director.

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

## 7.13 Political Activity

Effective Date: 03/01/2015

Revision Date: 10/01/2024

City employees will not be hired or retained based on their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- a) Publicly endorse or campaign in any manner for any person seeking a City of Texarkana, Texas public office.
- b) Use the employee's position or office to coerce political support from employees or citizens.
- c) Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- d) Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office themselves, express the employee's opinions and to cast the employee's vote.
- e) Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- f) Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- g) Hold an appointive or elective office of public trust incompatible with current employment according to Texas law. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so. Please consult with Human Resources to help determine if the appointive or elective office would be incompatible with employment at the City of Texarkana, Texas.

**Civil Service employees shall be covered by the rules in TLGC Chapter 143 or collective bargaining**

## 7.14 Technology Use Policy

Effective Date: 03/01/2015

Revision Date: 06/13/2022

Please reference **Appendix D** to view the Technology Use Policy.

## 7.15 Generative Artificial Intelligence (AI) Usage Policy

Effective Date: 10/01/2024

Revision Date:

### Purpose

This policy outlines the proper use of generative AI tools by all employees. With the growing popularity of AI technologies, it is essential to ensure their responsible use. The goal is to protect all stakeholders from potential harm while leveraging these technologies to enhance our work.

### Scope

This policy applies to all employees and all work performed, whether on or off the premises. It covers the use of generative AI tools to assist in various work-related tasks.

### Acquisition of Generative AI Technology

City employees may be authorized to use AI tools once those tools have been vetted and approved by the Information Technology Department. The City's standard for technology acquisition applies to all technology, including free-to-use software or software-as-a-service tools.

### Acceptable Uses

Examples of appropriate AI tool uses include but are not limited to:

- Emails and letters
- Reports and publications
- Policies and job descriptions
- Spreadsheet calculations
- Foreign language translations
- Document or information sorting
- Outlines or summaries of information

### Risks and Limitations

While AI tools offer various functionalities, they present risks such as:

- Uncertainty about content ownership
- Security/privacy concerns when inputting confidential or sensitive information
- Potential inaccuracies, as content may be outdated, misleading, or fabricated

The Information Technology Department may restrict access to an AI tool or certain capabilities of an AI tool if those capabilities present risks that cannot be effectively mitigated to comply with this policy or other City policies.

### Guidelines

1. **Usage Approval:** Employees must discuss AI tool usage parameters with their department director. The director may approve, deny, or modify these parameters as needed. Specific tools must also be vetted by the IT Department.
2. **Content Verification:** All AI-generated content must be reviewed for accuracy. Unverifiable information should not be used for work purposes.

3. **Citation:** AI-generated content must be properly cited, except for general correspondence like emails.
4. **Ethics and Core Values:** Employees must adhere to all core values and ethics policies. AI tools must not be used to create inappropriate, discriminatory, or harmful content.
5. **Confidentiality:** No confidential data may be submitted into AI platforms. City email may be used to create accounts to access AI platforms, if required.
6. **Technology Use Policy:** Adhere to the existing Technology Use Policy when using AI tools for official City business.

### **Enforcement**

Violations of this policy will result in disciplinary action, up to and including termination of employment.

## Appendix A: Positions Subject to DOT Regulations and Safety Sensitive Positions

All employees that hold a Commercial Driver's License (CDL) and operate a Commercial Motor Vehicle with a gross vehicle weight rating of 26,001 pounds or more are subject to DOT drug testing.

### SAFETY SENSITIVE POSITIONS

911 Call Taker	Fire Inspector	Parks & Building Maint. Supervisor
Animal Control Officers	Firefighters	Parks Crew Leader
Apprentice Mechanic	Fleet Shop Foreman	Parks Equipment Operator
Asst. Street Maint. Superintendent	Foreman	Parks Maintenance Foreman
Building Maintenance Coordinator	Gardener	Police Officers
Chief Health Inspector	Health Inspectors	Public Safety Dispatcher
Code Enforcement Officers	Heavy Equipment Operator/Crew Leader	Shop Equipment Technician
Code Inspectors	Immunization Program Specialist	Sign and Signal Manager
Combination Inspector	Laborer	Street Maintenance Superintendent
Concrete Formsetter/Finisher	Licensed Vocational Nurses	Sweeper Operator
Employee Health & Wellness RN	Light Equipment Operator/Truck Driver	Traffic Sign Tech Signal Electrician
Emergency Communications Super.	Mechanics	Traffic Sign Technician
Emergency Communications Mgr.	Medical Records Clerk	Traffic Signal Technician
Field Code Enforcement Vector Control	Mower Operator	
<b>TWU</b>		
Apprentice Mechanic	Fibert Optics Tech	Plant Mechanic I, II, III
Auto Mechanic I, II, III	Heavy Equipment Operator	Plant Operations Supervisor
Chief Meter Tech	I & I Coordinator	Plant Operator I, II, III
Chief Plant Operator	Jet Truck Operator	Pretreatment Coordinator
Compost Technician	Lab Supervisor	Pretreatment Specialist
Construction/Maintenance Tech I, II	Lab Tech I, II	Sludge Disposal Foreman
Electronics Specialist	Licensed Electrician	Survey Instrument Operator
Engineering Field Tech	Locator Sewer Collection	Survey Party Chief
Engineering Tech/Construction Insp.	Maintenance Chief	Utility Supervisor
Environmental Coordinator	Maintenance Supervisor	Utility Foreman/Operator
Environmental Specialist	Metering Foreman	
Field Services Rep I, II	Metering/Field Service Supervisor	

**Appendix B: PERSONNEL & SUPERVISORY FORMS**

Personnel Action Form (PAF) ..... Form 1  
Voluntary Resignation/Retirement Notice ..... Form 2  
Supervisor's Checklist for Separated Employee ..... Form 3  
Wage Deduction Authorization ..... Form 4  
Application for Leave Donation ..... Form 5  
Authorization to Transfer Accrued Leave ..... Form 6  
Retiree Insurance Election Form ..... Form 7  
Discrimination and/or Harassment Complaint ..... Form 8  
Grievance ..... Form 9  
Performance Correction Notice ..... Form 10  
Performance Improvement Plan ..... Form 11  
Supervisor's Report of Reasonable Suspicion ..... Form 12  
Employee Request for ADA Accommodation ..... Form 13  
Application for Tuition Reimbursement ..... Form 14  
Tuition Reimbursement Request ..... Form 15  
Request for Outside Employment ..... Form 16  
Non-Disclosure of Personnel Information ..... Form 17



# City of Texarkana PERSONNEL ACTION FORM



**Effective Date of Action:**

### EMPLOYEE INFORMATION

**Name:** (Last, First, Middle)

**Employee #:**

**Address:**

**Full SS #:**

**City:**

**State:**

**Zip:**

**Date of Birth:**

**Ethnicity:**

**Gender:**

**Phone:**

**Department:**

**Dept. No.**

**Position:**

**Supervisor:**

### TYPE OF ACTION

**Appointment:**

**Separation:**

**Other Changes:**

**GL Account:**

### COMPENSATION

**Annual Salary:**

**Eligible for Retirement:**

**Pay Grade:**

**Exempt:**

**Eligible for Insurance:**

**Reason for Change:**

**Previous Annual Amount:**

**New Annual Amount:**

### SEPARATION

**Non-Retirement**

**Lump Sum Accrual Payment:**

**Retirement**

*General Fund - Vacation: After 5 years - Up to 120 hours Sick: Not Eligible*

*General Fund - Vacation: Up to 240 hours Sick: Up to 720 hours*

*Police - Vacation: After 5 years - Up to 120 hours Sick: Up to 720 hours*

*Police - Vacation: Up to 240 hours Sick: Up to 720*

*Fire - Vacation: After 5 years - Up to 180 hours Sick: Up to 1080 hours*

*Fire - Vacation: Up to 360 hours Sick: Up to 1080 hours*

**Vacation Leave Hours:**

**Sick Leave Hours:**

**Holiday Hours:**

**Comp Hours:**

**Supervisors Checklist Complete?**

*\*If yes, attach with this form.*

**Recommend for Rehire?**

### COMMENTS

### APPROVAL

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrative Services Director

\_\_\_\_\_  
Date





# SUPERVISOR'S CHECKLIST FOR SEPARATED EMPLOYEE

(To be completed by the Supervisor)

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

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

1. If resigning or retiring, have employee complete *Voluntary Resignation Notice (Form 4)*. A resignation letter may be substituted for the *Voluntary Resignation Notice*. Completed  
N/A

2. Complete Personnel Action Form to remove from payroll and obtain appropriate management signatures. Completed  
N/A

3. Send the completed *Voluntary Resignation Notice* (or resignation letter) and Personnel Action Form) to Human Resources. Completed  
N/A

4. Collect all City equipment from employee by the last day of work.

Select all that apply:

Procurement/Credit Card(s)

Weapons

Keys/Key Fob

Gas Card

Uniform

Laptop Computer (Including Password)

Cell Phone & Password

Tools

Employee ID Card (Return to HR)

Pager

iPads, Mifi & Passwords

Radio(s)

Other

5. Notify IT to disable computer ID, passwords, and email account. Completed  
N/A

6. Notify and deliver to Purchasing credit card, cellphone and laptop computer. Completed  
N/A

7. Cancel attendance in future training classes, seminars, or meetings as appropriate. Completed  
N/A

8. Deliver key fob to Human Resources. Completed  
N/A

9. Remove employee's name from Department routing lists. Completed  
N/A

10. Other: \_\_\_\_\_ Completed  
N/A

Completed by: \_\_\_\_\_

Supervisor Signature

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



## WAGE DEDUCTION AUTHORIZATION AGREEMENT

I understand and agree that my employer, the City of Texarkana, may deduct money from my pay from time to time for reasons that fall into the following categories:

1. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by the City;
2. The balance of Per Diem advances from the City, if there is a balance remaining when I leave;
3. If I receive an overpayment of wages for any reason, repayment of such overpayments to the City;
4. The cost to the City of personal long-distance calls or faxes made on City phones/faxes or on any City accounts;
5. The cost of repairing or replacing City supplies, materials, equipment, uniforms, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the City during my employment (applies to non-exempt employees only);
6. If I take paid vacation, sick, or holiday bank leave in advance of the date I would normally be entitled to it and I separate from the City before accruing time to cover such advance leave, the value of such leave taken in advance that is not covered.

**I agree that the City may deduct money from my pay under the above circumstances.**

I also acknowledge that I understand that the City pays its employees fairly and that all work is compensated, and no supervisor may authorize work off the clock.

I acknowledge that I must accurately record time worked and should contact HR, my supervisor or my supervisor's manager with any questions. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including possible termination of employment.

I have read the above agreement and have received Policy 4.04 Overtime.

\_\_\_\_\_  
Employee Name (Printed)

\_\_\_\_\_  
Department

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources

\_\_\_\_\_  
Date



## APPLICATION FOR LEAVE DONATION

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

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

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

Title: \_\_\_\_\_

### Purpose for which this request is being made:

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### Why does the employee not have enough leave?

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### What is the employee's current status?

- Working, but anticipating an extended absence due to surgery or hospitalization on or about (date)\_\_\_\_\_.
- Currently hospitalized.
- Convalescing at home.
- Other, please describe:

---

### DEPARTMENT DIRECTOR ACTION

- Request Approved
- Request Denied Comments:

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\_\_\_\_\_  
Employee Signature  
*\*HR Representative if Employee Unable to Sign*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

**Form 5**



## AUTHORIZATION TO TRANSFER ACCRUED LEAVE

Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

**Note: You must have at least an 80-hour balance of the type of leave donated before you can participate.**

Check Type of Leave Donated: Sick \_\_\_\_\_ Vacation \_\_\_\_\_

I freely and voluntarily authorize the immediate transfer of \_\_\_\_\_ hours (4-hour increments, 40 hour maximum) leave to the following employee:

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

Employee Number: \_\_\_\_\_

I understand that all leave transfers are final, and once processed by Payroll, are irrevocable.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

---

---

### HUMAN RESOURCES DEPARTMENT

\_\_\_\_\_  
Human Resources Signature

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Time Received



**RETIREE NOTIFICATION FORM  
Group Health Coverage**

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

Address: \_\_\_\_\_  
Street Number Street Name City State Zip

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

Phone # \_\_\_\_\_ Retirement Date: \_\_\_\_\_

- Yes  No Are you retiring under the Texas Municipal Retirement System?
- Yes  No Have you been continually employed with the City the last five years?
- Yes  No Do you have other group health insurance available to you?
- Yes  No Does your spouse or covered dependents have other group health insurance available to them?
- Yes  No Do you agree to inform the City of Texarkana if you or a covered member of your family become covered under another group health plan or entitled to Medicare?
- Yes  No Do you understand that premium amounts will change from year to year?
- Yes  No Do you understand that you are responsible for remitting the full amount of the premium by a specific date, and if you fail to remit the required amount, coverage will terminate for you and your dependents?
- Yes  No Your supplemental life insurance is portable, but not at the current group rate. Do you elect to continue your supplemental life insurance at the individual rate offered by the carrier?

**DECLINATION**

\_\_\_\_\_(initial) I understand that I am eligible for group health coverage continuation; however, I hereby decline retiree health coverage. I understand that this is the only opportunity I will have to continue the City's group health coverage.

I understand that I also have the right to continue coverage subject to COBRA provisions for up to 18 months, and that this declination will not jeopardize those rights under COBRA.

I certify by signature below that I have read the retirement provisions described in the Texarkana policy handbook.

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



## DISCRIMINATION AND/OR HARASSMENT COMPLAINT FORM

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

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

### Reason(s) for Unlawful Treatment:

- |   |  |                                |                                      |
|---|--|--------------------------------|--------------------------------------|
| <input type="checkbox"/> Race                       | <input type="checkbox"/> National Origin | <input type="checkbox"/> Age   | <input type="checkbox"/> Religion    |
| <input type="checkbox"/> Sex                        | <input type="checkbox"/> Disability      | <input type="checkbox"/> Color | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Other (Please List): _____ |  |                                |                                      |

**Briefly Describe the Nature of the Complaint.** Please explain why you believe discrimination and/or harassment has affected your employment with the City of Texarkana, Texas. Where possible, specify the date(s) of the incident(s) and name(s) involved. If additional space is needed, please attach additional pages.

The City of Texarkana, Texas will not tolerate employment discrimination or harassment based upon an employee's or applicant's race, color, national origin, sex, religion, disability, or age, according to *Policy 6.04 Sexual and Other Unlawful Harassment*.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



## EMPLOYEE GRIEVANCE FORM

Grievant Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

### EMPLOYEE GRIEVANCE

#### **HISTORY AND FACTS OF GRIEVANCE:**

Provide as much specific information as possible, including all pertinent names, dates, and places. Indicate specifically which section of the Employee Handbook you believe was violated (if applicable). Attach additional sheets if necessary.

#### **REMEDY SOUGHT:**

State specifically what action(s) you are requesting to resolve the complaint.

\_\_\_\_\_  
Grievant Signature

\_\_\_\_\_  
Date



## STEP I

### IMMEDIATE SUPERVISOR RESPONSE

Grievance response must be returned to the aggrieved employee within ten (10) working days of receipt. Attach additional sheets and documentation if necessary.

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

### GRIEVANT'S ANSWER TO SUPERVISOR RESPONSE:

I accept the resolution to Step I:     Yes     No

If answer is no, grievance must be submitted to Step II within ten (10) working days of receipt of Step I response. Give specific reasons why the Step I response is unsatisfactory, and what further action(s) you are requesting to resolve the complaint.

\_\_\_\_\_  
Grievant Signature

\_\_\_\_\_  
Date



**STEP II**

**DEPARTMENT DIRECTOR RESPONSE** *(If Required):*

The Department Director may schedule a meeting with the employee or provide a written response. The written response shall be provided to the employee within ten (10) working days of receiving the grievance request.

\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

**GRIEVANT'S ANSWER TO SUPERVISOR RESPONSE** *(If Required):*

I accept the resolution to Step II:     Yes     No

If answer is no, grievance must be submitted to Step III within ten (10) working days of receipt of Step II response. Give specific reasons why the Step II response is unsatisfactory, and what further action(s) you are requesting to resolve the complaint.

\_\_\_\_\_  
Grievant Signature

\_\_\_\_\_  
Date



**STEP III**

**CITY MANAGER RESPONSE** *(If Required):*

At a mutually agreeable time, the City Manager may elect to have a meeting with the employee informally or to convene a hearing. Once the meeting or hearing has been held, the Assistant City Manager shall respond to the grievance within ten (10) days. As per the *Policy 6.03 Grievance*, the decision of the City Manager is final and is not eligible for further appeal.

\_\_\_\_\_  
City Manager Signature

\_\_\_\_\_  
Date



---

## PERFORMANCE CORRECTION NOTICE

---

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

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

Disciplinary Level:

Verbal Correction

Written Reprimand

Suspension (Dates: \_\_\_\_\_)

Demotion

Termination

Type of Incident:

Performance

Conduct

Attendance

Prior Disciplinary Actions:

Level of Discipline

Date

Verbal

Written

Suspension

Demotion

---

**Incident Description and Supporting Details:** *Attach additional pages, if necessary.*

---

**Handbook Policy Number(s) Violated:**

**Date:**

**Description of Violation:** *(Include Persons Present, Location(s) and Other Important Details of the Incident)*



---

## Performance Correction Plan

---

**1. Measurable Correction Goals:** *(Identify what actions are required to correct behavior of policy violation)*

Target Completion Date:

**2. Training or Special Direction Required to Correct Behavior:** *(If none required, enter "N/A")*

**3. Interim Performance Review Date:** *(If Necessary)*

**4. Outcomes and Consequences if Corrections are Not Made:**

**Scheduled Review Date for Improvement:**



**Employee Comments and/or Rebuttal** (Attach Additional Sheets, if Needed)

\_\_\_\_\_  
Employee Signature

**Employee Acknowledgment**

I understand that the City of Texarkana is an "at-will" employer, meaning that my employment has no specified term and that the employment relationship may be terminated any time at the will of either party. I also realize that the City of Texarkana is opting to provide me with corrective action measures and can terminate such corrective measures at any time, solely at its own discretion, and that the use of progressive discipline will not change my at-will employment status.

I have read the Performance Correction Notice and understand it. This Notice has been discussed with me, and I have been advised to take time to consider it before it is signed. By signing this, I commit to follow the City's standards of performance, conduct and attendance.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

Witness: (if employee refuses to sign)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**A copy of this document will be placed in your file.**

Distribution of copies:      Employee                  Human Resources



## Performance Improvement Plan

The Improvement Plan should be completed as a joint effort by both the supervisor and employee when an employee's performance is not aligned with the expectations to perform the essential functions of the job. Concerns should be performance, attendance or conduct based.

Employee: \_\_\_\_\_ Supervisor: \_\_\_\_\_

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

The Improvement Plan includes:

- The Performance Concern
- The Performance that is required to meet the job requirement
- The Action and Support provided to correct deficiencies
- Dates for subsequent observations, conferences, and/or meetings to monitor progress on the plan

### **Performance Concern:**

(Supervisor: List each performance issue that is "Below Expectations")

### **Performance Required:**

(Supervisor: Identify the performance that is expected)



**Action/Support that will be provided:**

(Supervisor and Employee: List the training, mentoring activity, action plan to bring performance to "Meets Expectations")

**Dates to monitor progress:**

(Supervisor and Employee: Review is usually completed at 30, 60 and 90 days)

- 1.
- 2.
- 3.

---

*It is the **employee's** responsibility to utilize or request resources needed to carry out these and/or other strategies to improve performance to meet the required Performance standard. Immediate and sustained improvement is expected. Failure to perform job duties in an acceptable manner will result in disciplinary action up to and including termination.*

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

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

---

**Follow up Outcome:**

(Supervisor and Employee: List: Date Reviewed / Job Functions Reviewed / Outcome/ follow-up plan and dates as needed)

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

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Forward original copy to HR  
Make a copy for both Supervisor and Employee



**SUPERVISOR'S REPORT OF REASONABLE SUSPICION  
-Confidential-**

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

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

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

Title: \_\_\_\_\_

**PROCEDURE**

This form is to be completed whenever there is reasonable suspicion that an employee is under the influence of alcohol and/or prohibited drug substance. A supervisor and a Department Director shall note all pertinent behavior and physical signs which led them to believe that the employee is under the influence of alcohol and/or a prohibited drug substance. The Department Director shall contact Human Resources for reasonable suspicion testing authorization. In the event that Human Resources is unavailable, the Department Director shall contact the City Manager's office. Upon authorization, the employee will be required to undergo drug and/or alcohol testing.

**PERSONS OBSERVING BEHAVIOR** *(At least one Trained Observer required.)*

Name/Title: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Date of Observation: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

<b>Circumstances which existed to warrant the testing for reasonable suspicion were as follows:</b>	<b>Yes</b>	<b>No</b>
Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working, while on the employer's premises, or while operating the employer's vehicle, machinery, or equipment.		
Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug or alcohol.		
Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance.		

**WRITTEN SUMMARY**

Summarize the facts and circumstances of the accident or incident, employee response, supervisor actions, and any other pertinent information not previously noted on this form. Attach additional sheets as needed.

\_\_\_\_\_  
\_\_\_\_\_



**OBSERVATIONS** (Both observers INITIAL their observations below.)

**ABILITY TO WALK**

- Normal
- Falling
- Grasping for Support
- Moved In Circles
- On Hands and Knees
- Staggering
- Swaying
- Unable to Walk

**APPEARANCE**

- Normal
- Disheveled
- Dirty
- Odor

**ACTIONS**

- Crying
- Profanity
- Punching
- Resisting
- Sleepy
- Threatening

**FACE**

- Flushed
- Pale

**ABILITY TO STAND**

- Normal
- Need Support
- Rigid
- Sagging Knees
- Swaying
- Unable To Stand

**EYES**

- Normal
- Constricted
- Contacts/Glasses
- Dilated
- Droopy Lids
- Bloodshot
- Watery

**MOVEMENT OF HANDS**

- Trembling
- Uncoordinated

**BREATHING**

- Normal
- Deep
- Gasping
- Laboring
- Rapid

- Shallow
- Slow

**SPEECH**

- Normal
- Abusive
- Boisterous
- Confused
- Crying
- Hoarse
- Incoherent
- Rambling
- Rapid
- Shouting
- Silent
- Slobbering
- Slow
- Slurred
- Stuttering
- Whispering

**ODOR OF ALCOHOL/DRUG**

- No
- Yes

**OTHER:** \_\_\_\_\_

**SIGNATURES**

**Supervisor:** Based on my observations noted on this checklist, I **recommend / do not recommend** (circle one) that an alcohol/drug test be administered.

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

**Department Director:** Based on my observations noted on this checklist, I **recommend / do not recommend** (circle one) that an alcohol/drug test be administered.

Department Director Signature \_\_\_\_\_ Date \_\_\_\_\_



**Contact the Human Resources Department immediately after completion of this checklist to proceed.**

---

---

**HUMAN RESOURCES DIRECTOR (OR DESIGNEE) ACTION**

Employee underwent:     alcohol test         drug test

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Employee *refused* testing:  Yes  No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Human Resources Director (or designee)

\_\_\_\_\_  
Date



CITY OF

# TEXARKANA

220 TEXAS BOULEVARD TEXARKANA TEXAS 75501

TEXAS

## REQUEST FOR REASONABLE ACCOMMODATION

### *Employee Questionnaire*

*Please return completed form to Human Resources*

Date	
Name	
Department	
Email address	
Position title	
Phone numbers (home, office and cell)	
Home address	
Supervisor's Name	

**Please complete the following:**

1. What, if any, position function are you having difficulty performing?
2. What, if any, employment benefit are you having difficulty accessing?
3. What limitation(s) is interfering with your ability to perform your job or access an employment benefit?
4. Is there any additional information that you would like the City to be aware of that may assist in this process. Please do not provide any information on your diagnosis, condition or treatment.

*I certify that the above is true and accurate.*

Employee's Original Signature

Date

*Received:*

Signed

Print Name

Date Received

**APPLICATION FOR TUITION REIMBURSEMENT**

To be completed **BEFORE** semester begins.



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

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

Name of College or University: \_\_\_\_\_

Degree Plan Sought: \_\_\_\_\_

Semester/Year Course(s) to Begin: \_\_\_\_\_

Please state how the degree sought enables you to advance your career with the City of Texarkana, Texas:

\_\_\_\_\_  
\_\_\_\_\_

**A copy of degree plan must be attached to this request.**

<u>Course Title(s) and Catalog Number</u>	<u>Number of Semester Hours</u>
1. _____	_____
2. _____	_____
3. _____	_____

Approximate Cost: Tuition \$ \_\_\_\_\_ Books \$ \_\_\_\_\_

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

<b>HUMAN RESOURCES</b>	Recommend Approval	Denied
		Funding Unavailable
		Unrelated Degree Plan

\_\_\_\_\_  
Administrative Services Director Date

<b>DEPARTMENT DIRECTOR</b>	Recommend Approval	Denied

\_\_\_\_\_  
Department Director Date

<b>CITY MANAGER</b>	Approved	Denied

\_\_\_\_\_  
City Manager Date



**TUITION REIMBURSEMENT AGREEMENT**

Are you eligible for or will you be receiving any other financial assistance for your education?  
**Yes      No**      Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source.

The City of Texarkana has the right to audit the employee's educational and financial records that may be contained in the employee's records at the institution attended. Any right that the employee may have pursuant to the Family Education Rights and Privacy Act of 1974, or any similar act, are waived by acceptance of tuition reimbursement. I understand that the penalty for fraudulently seeking tuition reimbursement under City policy may include disciplinary action up to and including termination of employment. By signing this application, I acknowledge that I am familiar with the requirements for tuition reimbursement pursuant to the City's Employee Handbook and agree to abide by those requirements.

Under the terms of the Tuition Reimbursement Policy I hereby acknowledge that an employee who receives tuition reimbursement must remain in service to the City, as a full time employee, for at least one year beyond the date of reimbursement; otherwise, all sums for tuition and books paid by the City over the past year must be refunded to the City. I understand and agree that if I receive tuition assistance from any source(s) that do not require repayment, (i.e. Veteran's benefits, grants, scholarships, etc) I will submit reimbursement requests only for the balance of the tuition and fees not covered by the alternate source.

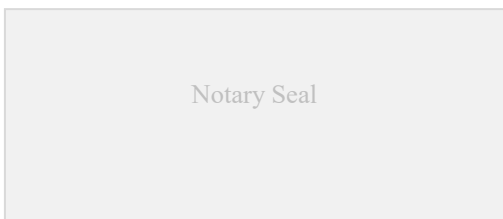
I hereby agree that should I be reimbursed for the tuition and/or textbooks under the tuition reimbursement program and I leave the full-time employment of the City of Texarkana within a period of one year following reimbursement, I will refund the City of Texarkana the full amount of the tuition and book reimbursement paid to me over the year preceding voluntary resignation. In lieu of a cash refund my signature below authorizes the City to deduct such amount from my final paycheck.

WITNESS BY MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

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

\_\_\_\_\_  
Employee Signature

SUBSCRIBED AND SWORN TO THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_



\_\_\_\_\_  
Notary

\_\_\_\_\_  
Commission Expires



**TUITION REIMBURSEMENT REQUEST**  
To be completed at **END** of semester.

**NOTE:** To receive tuition and book reimbursement, the employee must attach a **grade report** for all course(s) indicated, as well as a **fee receipt for tuition and textbook payment**.

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

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

Name of College or University: \_\_\_\_\_

Semester course(s) taken: \_\_\_\_\_

<u>Course Title(s)</u>	<u>Tuition Cost</u>	<u>Textbook Cost</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Approximate Cost: Tuition \$ \_\_\_\_\_ Books \$ \_\_\_\_\_

Did you receive funds from any other source for payment of tuition/textbooks?  
*Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc.) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source.*

By signing this request form, I certify that this tuition reimbursement request is a true and accurate statement of my enrollment, course completion, grade, and tuition/textbook expense. I am hereby requesting reimbursement pursuant to the city's personnel policy.

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

**HUMAN RESOURCES DEPARTMENT:**

Administrative Services Director \_\_\_\_\_ Date \_\_\_\_\_



## REQUEST FOR OUTSIDE EMPLOYMENT

Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

As directed by *Policy 1.07 Outside Employment*, I hereby request approval to engage in outside employment as described below:

Name of Business: \_\_\_\_\_

Owner of Business: \_\_\_\_\_

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

Business Telephone: \_\_\_\_\_

Job Title: \_\_\_\_\_

Type of Work: \_\_\_\_\_

Days/Hours of Work: \_\_\_\_\_

I understand that City policy forbids me from engaging in any form of outside employment or business opportunity, for myself or another employer, which would conflict or interfere with my job at the City of Texarkana, while on City time, or using City equipment or materials. I understand that in order to engage in outside employment, I must receive approval from my supervisor and Department Director in advance of performing such outside employment, and that the approval may be withdrawn at any time. I also understand and agree that my outside employment must be suspended if my work status is sick leave, workers' compensation leave, or restricted duty.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

### DEPARTMENT DIRECTOR ACTION

Request Approved       Request Denied

Comments or Special Conditions:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

**Forward completed form to the Human Resources Department.**



## NON-DISCLOSURE OF PERSONNEL INFORMATION

Under the Texas Public Information Act, Section 552.024 of the Government Code, you may designate whether you want the City of Texarkana to release your address, telephone number(s), or information on family members, when a request is made. Please indicate by checking the appropriate box below to authorize release of this information or withhold this information.

\_\_\_\_\_ I elect to withhold this information from public release.

\_\_\_\_\_ I authorize release of this information.

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Department

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

*Department Director: Please forward original form to Human Resources*

## Appendix C: TWU CERTIFICATION PAY

CERTIFICATION PAY 8/8/2019						
ITEM	TYPE OF LICENSE	EXPERIENCE REQUIRED	TRAINING REQUIRED	RENEWAL HOURS	Per Payperiod Amt	ANNUAL AMOUNT
<b>ITEMS 1 THRU 36 ARE AN ANNUAL PAY FOR EACH LICENSE WITH A MAXIMUM ANNUAL PAY OF \$6,000.</b>						
1	HRCI - PHR, SPHR	Years - College Degree Pref	Over 100 hours	60 hours every 3 years	\$ 134.62	\$ 3,500.00
2	CPA	Master's or 150 SCH Equivalent	150 SCH Min	40 hours every year	\$ 173.08	\$ 4,500.00
3	TX Level C Customer Service Certification	3 years	60 hours	30 hours every 3 years	\$ 28.85	\$ 750.00
4	TX Level D Customer Service Certification	1 year	40 hours	30 hours every 3 years	\$ 19.23	\$ 500.00
5	TX Customer Service Certification Level B	5 years	80 hours	30 hours every 3 years	\$ 38.46	\$ 1,000.00
6	TX Customer Service Certification Level B	8 years	100 hours	30 hours every 3 years	\$ 57.69	\$ 1,500.00
4	TX Customer Service Professional Certification Level A	8 years	164 hours	30 hours every 3 years	\$ 76.92	\$ 2,000.00
5	AR Backflow Tester	2 years	40 hours	24 hrs every 2 years	\$ 38.46	\$ 1,000.00
6	TX Backflow Tester	2 years	40 hours	24 hrs every 2 years	\$ 38.46	\$ 1,000.00
7	AR Backflow Repair Tech	2 years	24 hours	24 hrs every 2 years	\$ 38.46	\$ 1,000.00
8	TX Customer Service Inspector	2 years with HS diploma	16 hours	16 hours every xx years	\$ 38.46	\$ 1,000.00
9	TX Class A Water Treatment Operator	8/HS or 5/Bachelor's	120 hours	30 hrs every 3 years	\$ 115.38	\$ 3,000.00
10	TX Class A Wastewater Treatment Operator	8/HS or 5/Bachelor's	120 hours	30 hrs every 3 years	\$ 115.38	\$ 3,000.00
11	TX Class A Surface Water Treatment Operator	8/HS or 5/Bachelor's	120 hours	30 hrs every 3 years	\$ 115.38	\$ 3,000.00
12	TX Class B Surface Water Treatment Operator	5/hs or 2.5/Bachelor's	100 hours	30 hrs every 3 years	\$ 76.92	\$ 2,000.00
13	TX Class B Wastewater Treatment Operator	5/hs or 2.5/Bachelor's	100 hours	30 hrs every 3 years	\$ 76.92	\$ 2,000.00
14	TX Class C Surface Water Treatment Operator	2 years with HS diploma	60 hours	30 hrs every 3 years	\$ 38.46	\$ 1,000.00
15	TX Class C Wastewater Treatment Operator	2 years with HS diploma	60 hours	30 hrs every 3 years	\$ 38.46	\$ 1,000.00
16	TX Class III Wastewater Collection Operator	5 years with HS diploma	100 hours		\$ 76.92	\$ 2,000.00
17	TX Class II Wastewater Collection Operator	2 years with HS diploma	60 hours	30 hours every xx years	\$ 38.46	\$ 1,000.00
18	AR Class II Wastewater Treatment Operator	2 years	80 hours	24 hrs every 2 years	\$ 38.46	\$ 1,000.00
19	AR Grade II Water Treatment Operator	2 years	80 hours	24 hrs every 2 years	\$ 38.46	\$ 1,000.00
20	AR Grade III Water Treatment Operator	3 years	120 hours	24 hrs every 2 years	\$ 76.92	\$ 2,000.00
21	AR Class III Wastewater Treatment Operator	3 years	120 hours	24 hrs every 2 years	\$ 76.92	\$ 2,000.00
22	AR Grade IV Water Treatment Operator	6 years	200 hours	24 hrs every 2 years	\$ 115.38	\$ 3,000.00
23	AR Grade IV Wastewater Treatment Operator	6 years	200 hours	24 hrs every 2 years	\$ 115.38	\$ 3,000.00
24	AR Water Distribution Operator D3	2 years with HS diploma	72 hours	24 hours every xxx years	\$ 76.92	\$ 2,000.00
25	AR Grade Water Distribution Operator D2	1 year with HS diploma	72 hours	24 hours every xxx years	\$ 38.46	\$ 1,000.00
26	TX Class B Water Distribution Operator	5 years with HS diploma	120 hours	30 hours every xx years	\$ 76.92	\$ 2,000.00
27	TX Class C Water Distribution Operator	2 years with HS diploma	60 hours	30 hrs every 3 years	\$ 38.46	\$ 1,000.00
28	TX Plumbing Inspector	1 year	16 hours	8 hours	\$ 19.23	\$ 500.00
29	AR Plumbing Inspector	1 year	16 hours	8 hours	\$ 19.23	\$ 500.00
30	Certified Stormwater Inspector		24 hours	24 hours every third year	\$ 38.46	\$ 1,000.00
31	NSC Defensive Driving Course Instructor			16 hours every 2 years	\$ 57.69	\$ 1,500.00
32	GIS - Teaching				\$ 57.69	\$ 1,500.00
33	Class A CDL				\$ 38.46	\$ 1,000.00
34	Class B CDL				\$ 19.23	\$ 500.00
35	AR Industrial Wastewater License Basic		12 hours	24 hours	\$ 19.23	\$ 500.00
36	AR Industrial Wastewater License Advanced		24 hours	24 hours	\$ 38.46	\$ 1,000.00
<b>ITEMS 37 THRU 45 ARE A ONE TIME ONLY FEE PER LICENSE.</b>						

**CERTIFICATION PAY**

**8/8/2019**

ITEM	TYPE OF LICENSE	EXPERIENCE REQUIRED	TRAINING REQUIRED	RENEWAL HOURS	Per Payperiod Amt	ANNUAL AMOUNT
37	National Fluid Power Institute		24 hours			\$ 500.00
38	Air Brakes Certification		8 hours			\$ 500.00
39	Vac-con Certification		16 hours			\$ 500.00
40	Duramax Diesel Operation		8 hours			\$ 500.00
41	Fork Lift		4 hours			\$ 500.00
42	New Fire Truck Repair License		8 hours			\$ 500.00
43	Fleet Refrigerant License		8 hours			\$ 500.00
44	TCEQ Master Composter License	20 hr training and 20 hrs svc				\$ 500.00
45	ADEQ Regulated Storage Tanks Division					\$ 500.00
<b>CURRENTLY NO ONE WITH LICENSES BELOW</b>						
46	TX Cross-Connection Control Program Specialist				\$ -	
47	AR Customer Service Inspector				\$ -	
48	TX Assembly Testing Tech				\$ -	
49	TX Level C Customer Service Specialist				\$ -	
50	TX Class D Water Treatment Operator				\$ -	
51	TX Class D Wastewater Treatment Operator				\$ -	
52	AR Grade II Water Distribution				\$ -	
53	TX Class C Distribution Waterworks Operator				\$ -	
54	TX Industrial Pretreatment				\$ -	
55	TCEQ UST Facility Operator Certification		8 hours	8 hrs every 3 years	\$ -	
56	TX - Laboratory				\$ -	
<p align="center"><b>ALL ANNUAL CERTIFICATION PAYS MAX OUT AT \$6,000 PER YEAR. ANY ADDITIONAL LICENSES OBTAINED, ONCE THIS MAXIMUM HAS BEEN RECEIVED, WILL RECEIVE A ONE TIME ONLY FEE BASED UPON THE ABOVE COSTS PER LICENSE</b></p>						



# City of Texarkana Technology Use Policy





# Acceptable Use of Information Resources

City of Texarkana

Resources Managed by Texarkana Municipal Information Technology

Version: 1.02

Effective Date: 10/1/2024

## 1 AUTHORITY

The authority for this Technology Use Policy is grounded in the Employee Handbook and Personnel Policy, as approved by the City Council of the City of Texarkana Texas and the Employee Handbook as approved Board of Directors for the City of Texarkana Arkansas. **For the City of Texarkana Arkansas, To the extent the terms of this policy are in conflict with the terms of the any Personnel Policy or Employee Handbook applicable to any employee, the terms of the applicable Personnel Policy or Employee Handbook shall control.**

## 2 VERSION CONTROL

Date	Changed By	Description	Version
11/10/2021	Tammy West	Initial Document/Draft	0.01
11/12/2021	Brandon Uselton	Significant edits	0.02
12/6/2021	Jeremy Lacey	Review and recommendations	0.03
1/10/2022	Brandon Uselton	Significant edits	0.04
4/19/2022	Brandon Uselton	Submission to City Council	0.05
6/13/2022	Brandon Uselton	Approved by City Council RES 2022-049	1.00
6/7/2023	Brandon Uselton	Typo-o removal on page 12	1.00
6/13/2023	Brandon Uselton	Addition of section 11.6 – TikTok prohibition	1.01
7/11/2024	Brandon Uselton	Addition of 11.7 & formatting update	1.02

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## Acceptable Use of Information Resources

City of Texarkana

Version: 1.02

Resources Managed by Texarkana Municipal Information Technology

Effective Date: 10/1/2024

### 4 DEFINITIONS

- City – Represents the City of Texarkana Texas; The City of Texarkana Arkansas; the Texarkana Water Utilities.
- City Business - Any action, work, or function authorized to perform by any person on behalf of the City or in connection with conducting or transacting business for or with the City. City business includes any one or more of the following activities: (i) transacting or engaging in any official business for the City of Texarkana Texas, City of Texarkana Arkansas, Texarkana Water Utilities, (ii) connecting to the City's IT resources to read or send email, access and view Intranet web resources, perform system and administrative functions, and download or store City information; and (iii) performing work where the City's Information may be created, transmitted, or stored on a City-owned mobile device.
- City Employee - Any person who receives compensation as an employee of the City, including interns, temporary employees, and other personnel, regardless of civil service status, classification, contract employee status, pay grade, or full-time or part-time status.
- City Official – a City Employee, elected position of City Government, or appointee to a commission or committee.
- City Information - Any Electronically Stored Information (ESI) that is written, created, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of City business, including any Sensitive Information or Confidential Information, and any data or information created on, stored on, residing in, processed by, transmitted to, received by, maintained by, or accessed using the City's IT resources, including City-owned mobile devices. City information also includes any public information in electronic form.
- City-owned Mobile Device - Any mobile device or wireless communication device provided by, owned by, or wholly paid for by the City.
- City IT Resources - Any IT resource or a collection of IT resources that are used, owned, leased, operated, managed, controlled by, or in the custody of the City. City IT resources includes software that the City purchases, licenses, subscribes to, installs, or develops; City-owned mobile devices; City-published websites and software; IT resources the City provides to users to facilitate accomplishing City business. IT resources includes all systems, hardware, software, equipment, supporting infrastructure, and the data contained in, stored on, or processed by any of these resources, including computers, websites and FTP sites, databases, applications, apps, mobile devices, storage media, printers, scanners, fax machines, telecommunications equipment and devices, voice and data systems, Internet, Intranet, email, social networking, user and network accounts, and all associated processes, services, and data.
- Confidential Information - Any information defined by law as confidential, including Sensitive Information and information that is exempt from public disclosure.



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- Contractor – any worker, individual, or organization that is contracted, hired, or paid to do a specific job, role, or function for the City.
- Discovery - Refers to the process of identifying, locating, collecting, reviewing, and producing ESI, documents, and data for use in the context of the legal process, such as in litigation or responding to subpoenas or investigations.
- Electronically Stored Information (ESI) - Any information, document, file, or data that is in electronic form or that is created, received, maintained, stored, or residing on any IT resource, removable media, or mobile device. ESI includes documents, correspondence, emails, calendar entries, notes, metadata, spreadsheets, databases, video and audio files, images, text messages, instant messages, messages transmitted using systems proprietary to the mobile device manufacturer (e.g. iMessage or Blackberry messenger), voicemails, logs, blogs and microblogs, browser history, cached files, audit trails, web pages, and other similar electronic information. ESI also includes any information stored in or accessible through a computer or other information retrieval system or device, including any database, ESI contained in the database and machine-readable materials.
- Encryption - Refers to the translation of data into a secret code to achieve data security. Access to a secret key or password is necessary to read or decrypt an encrypted file.
- Jailbroken Devices - A device which has been tampered with or modified such that limitations imposed by the device manufacturer have been removed.
- Law(s) - Refers collectively to all laws, statutes, ordinances, rules, regulations, policies, and other types of local, state, and national law and regulations.
- Malware - Any software, application, program, email, or other data or code that is designed to cause harm to an IT resource or to violate any law in any way. Malware includes a variety of hostile, intrusive, or annoying software or program code, such as viruses, worms, Trojan horses, rootkits, and spyware.
- Mobile Device - Any device that can be carried by a person or is generally intended to be portable and the device is capable of containing or storing data, even temporarily. Mobile devices includes portable computers, laptops, notepads, tablet PCs, tablets, smartphones, wireless communication devices, cell phones, pagers, personal digital assistants ("PDAs"), Blackberry® devices, Bluetooth® devices, digital cameras, removable media, and any other similar portable computing and/or communication devices. Unless otherwise specifically stated, all references in this policy to mobile devices, regardless of ownership, refers to mobile devices that are used, in whole or in part, in connection with conducting City business, including mobile devices that are used to access City information or City IT resources, or mobile devices on which City information is maintained, stored, or resides.
- Mobile Device Management (MDM) - Software or other technology systems that manage the security controls, certain functionality, and connectivity of mobile devices attempting to connect to the City's IT



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resources. MDM software enables the City to enforce policies and to configure, secure, monitor, and remotely wipe mobile devices.

- **Monitoring Efforts** - Has the meaning defined in Section 10 of this policy.
- **Network** - Refers to the sub-category of IT resources, whether wired or wireless, that are linked together to facilitate a connection, communication, exchange, or sharing among or between users or other IT resources. Network includes telecommunications equipment and other connections to or between the Internet, Intranet, or other computers, workstations, and IT resources.
- **Peer-to-Peer (P2P) Communications** - Networks, systems, applications, or IT resources that allow users connected to the Internet to link or share their computers with another user's computer or to transform the user's computer into a server for the purpose of finding, sharing, uploading, downloading, or retrieving files.
- **Personal or Personally** - When used in connection with any IT resource, mobile device, or software, "personal" or "personally" refers to any IT resource, mobile device, user account, or software paid for (whether in whole or in part), owned, leased, or issued by any person or entity other than the City, third-party tools, websites, or apps designed for sharing, collaboration, or storage such as Dropbox®.
- **Public-Facing Resource** - The City's web pages, social media sites, and City IT resources that the City intends for the general public to access or use or computers provided by the City at locations where payments due to the City are accepted.
- **Removable Media** - Any storage media or device, which can be removed from its reader device, conferring portability to the data the storage media device carries. Removable media includes CDs, DVDs, thumb drives, USB drives, external hard drives, memory cards or sticks, diskettes, tapes, and other similar devices.
- **Remote Access** - The ability to get access to a physical City IT resource from a remote distance or non-City location, including through the use of a modem, virtual private network (VPN), or wireless activity.
- **Sensitive Information** - Information deemed by the City or by law to be sensitive in nature and merits limited access and special precautions to protect the information from inappropriate or unauthorized use, access, disclosure, modification, loss, or deletion. Sensitive Information may be public, confidential, or personally identifiable information. Sensitive Information may include credit card numbers, social security numbers, driver's license numbers, date and place of birth, financial information, criminal or employment history, sensitive security information as defined by 49 C.F.R. §1520.5, as amended from time to time, protected health information, information that would violate an individual's privacy rights if disclosed, and information protected by non-disclosure obligations.



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- Tablet - Refers to an open-face wireless device or other wireless communication device with a touchscreen display and without physical keyboards. Examples of tablets include iPads, Kindles, Nooks, Samsung Galaxies, Microsoft Surfaces, HP ElitePads, and e-readers.
- User - Any person who is granted access, accesses, uses, or connects to City IT resources to transact City business. User also includes a person who is granted access, accesses, uses, or connects to a public-facing resource to transact City business or to connect to or access City IT resources or City information. User includes all City employees, City officials, Mayoral appointees (boards, commissions, and authorities), vendors, contractors, independent contractors, consultants, volunteers, and their guests who access, use, or connect to City IT resources in connection with conducting City business.
- User ID - The unique username, log-in, or other identifier used to identify a user and to allow access to an IT resource.

### 5 PURPOSE

- 5.1 This document establishes a City-wide policy for appropriate use, access, and maintenance of the integrity of City information and City information technology (IT) resources, regardless of the physical location of the resource and information.

### 6 BACKGROUND

- 6.1 The City is the trusted custodian of employee, citizen, government, and business information. The City protects and ensures the confidentiality, integrity, and availability of all its information and IT resources, regardless of how they are created, distributed, or stored.
- 6.2 The City implemented security controls to protect all information assets (including hardware, systems, software, and data) and to ensure compliance with all laws.

### 7 OBJECTIVES

- 7.1 To maintain compliance with applicable laws governing City information and the City IT resources on which City information resides or is stored.
- 7.2 To ensure that access to, and use of, City information and City IT resources complies with applicable laws or City policy, such as laws pertaining to sensitive information.
- 7.3 To safeguard the confidentiality, integrity, and availability of City information and City IT resources, through the establishment of reasonable physical and technological security measures, policies, and standards.
- 7.4 To establish policies and standards regarding the protection and sanitization of City information, including Sensitive Information that resides or may reside on any City IT resource or City-owned mobile device. This includes any personal device which may contain City owned information.



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- 7.5 To manage and minimize risks and liabilities to the City, the City's employees, and citizens, which could result from theft, damage, loss, and improper or unauthorized use or disclosure of City information and City IT resources.
- 7.6 To provide examples of acceptable and prohibited uses and activities involving City information and City IT resources.
- 7.7 To inform users of their responsibilities involving City information and City IT resources and to manage users' privacy expectations when using City IT resources or creating, storing, or accessing City information.

## 8 SCOPE

- 8.1 All City departments and divisions are required to adhere to this policy.
- 8.2 This policy applies to any party who is granted access, accesses, uses, or connects to City IT resources to conduct City business.
- 8.3 This policy applies to all of the following persons who use City IT resources to conduct City business: City employees, City officials, Mayoral appointees (boards, commissions, and authorities), vendors, contractors, independent contractors, consultants, interns, temporary employees, volunteers, users, or their guests.
- 8.4 This policy governs user conduct in connection with engaging in City business regardless of where it occurs, whether through network connections, wireless connections, or remote access.
- 8.5 This policy governs all City information, regardless of where it exists, resides, is stored, accessed, processed, or maintained.
- 8.6 This policy does not list all forms of acceptable and unacceptable uses or activities, nor does it detail all the standards applicable to each subpart contained herein. Use of and access to City information and City IT resources is a privilege, not a right. The City may revoke or limit this privilege at any time which may result in conditions that jeopardize the user's ability to perform required work functions and disciplinary actions. Users are responsible for and expected to use good judgment and reasonable care in protecting and accessing City information and City IT resources. Users are responsible for accessing and using all City information and City IT resources in a safe, ethical, professional, and lawful manner.
- 8.7 This policy covers the following areas:
  - Acceptable Use
  - Internet and Email Communications
  - Software License Compliance



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### 9 USER PRIVACY

- 9.1 All City information and City IT resources are the property of the City, including all City information created or generated by, accessed from, backed up, or stored on City-owned mobile devices and personal IT resources.
- 9.2 Users have no expectation of privacy, confidentiality, or anonymity while using or accessing City IT resources and City information unless the information regarding the user's activities or identity is specifically protected by law from disclosure and then only to the extent of that legal protection. The City's provision of IT resources and requirements to use a user ID and password do not imply any expectation of privacy, confidentiality, or anonymity for the user nor do they imply an exclusion from monitoring efforts.
- 9.3 There should be no expectation of privacy, anonymity, or confidentiality regarding any of the user's activities and the data below, which data remains the property of the City:
  - 9.3.1 User's access to City information or use of City IT resources, including City-owned mobile devices;
  - 9.3.2 Any data and ESI that users generate, create, store, send, forward, backup, or receive in connection with conducting City business or using City IT resources; and
  - 9.3.3 Any files, emails, or other ESI maintained by, generated by, or stored on City IT resources and City-owned mobile devices.
- 9.4 The City may, at its discretion, conduct monitoring efforts in furtherance of any lawful purpose at any time and without further notice to the user. The City may, at its discretion or as otherwise required by law, disclose information, which may include identification information about the user, to appropriate third parties, including law enforcement officials.

### 10 MONITORING

- 10.1 In accordance with City policies and applicable laws, the City has the right to and may, at any time, research, monitor, collect, log, audit, inspect, intercept, record, read, search, seize, and copy all aspects of City information and City IT resources, without any further notice to users (collectively "monitoring efforts"). Monitoring efforts involving City IT resources may include any one or more of the following efforts:
  - 10.1.1 Maintaining and reviewing logs, log files, and audit trails of users' activities;
  - 10.1.2 Monitoring users use of or access to ESI provided by or through the City, including personal data on City-owned mobile devices;
  - 10.1.3 Auditing and inspecting City IT resources, including computers and networks, for illegal software or unacceptable use of City IT resources; and



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- 10.1.4 Collecting and monitoring location or GPS tracking information that may be obtained as part of the normal management of the City IT resource in any one or more of the following limited circumstances:
- 10.1.4.1 To monitor City employees, whose City IT resources and City-owned mobile devices may be used explicitly for the purpose of location tracking, real-time-location-based dispatch, and other location-based business functions and tasks, such as tracking data created and monitored in providing City services for City employees or the public, including services related to emergencies and public safety, transportation, waste management, public utilities, fleet management, and couriers;
  - 10.1.4.2 To locate the City IT resource if it is lost or stolen;
  - 10.1.4.3 When the user expressly consents or requests that the City collect, monitor, track, or reveal the City IT resource's location;
  - 10.1.4.4 To assist a user in distress or a user who is believed to be in distress; and
  - 10.1.4.5 When a governing body with jurisdiction compels the City to collect, monitor, or track the City IT resource or to produce any such information to the extent it was obtained in the normal management of the resource.
- 10.2 Information and data subject to monitoring efforts also include all information contained in or transmitted using City IT resources, as well as the contents and related transmissions using any City-owned mobile devices, including files, downloads, call logs, text messages, emails, digital photos, Internet browser history, Internet usage, and data access. Because City information and City IT resources are City property, the City is not required to provide notification to or seek permission from users or other persons to conduct monitoring efforts. The absence of monitoring efforts in any specific situation does not constitute a waiver of the City's right to conduct monitoring efforts.
- 10.3 The City may engage in monitoring efforts in connection with City IT resources and City information where such efforts are conducted by authorized City personnel for lawful purposes. For example, authorized monitoring efforts may occur in furtherance of any one or more of the following purposes:
- 10.3.1 Providing information and data in response to a request or requirement (a) under the Texas Public Information Act for ESI pertaining to Texarkana Texas, the Arkansas Public Information Act for ESI pertaining to Texarkana Arkansas, a court order, or any applicable law or policy; (b) relating or pursuant to discovery, any civil investigative demand, investigation, or a legal or disciplinary matter; or (c) issued by a regulatory agency or other governmental body;
  - 10.3.2 Complying with the City's document management and data retention policies;
  - 10.3.3 Investigating functionality or performance of City IT resources;



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- 10.3.4 Reviewing user's usage and compliance with this policy and other laws, including investigating alleged violations of any City policies or laws;
- 10.3.5 Ensuring the integrity and protection of City information and City IT resources, including conducting security audits and forensic analysis;
- 10.3.6 Investigating, detecting, and protecting against suspicion of criminal activities, fraud, unauthorized use or disclosure, improper use, abuse, security threats, vulnerabilities, or breaches; and
- 10.3.7 For any other lawful purposes, including any legitimate business, legal, or disciplinary purpose.
- 10.4 In the event that the City becomes aware of any prohibited uses, the City will respond in a timely and appropriate manner as the circumstances warrant, including disconnecting or suspending access to City information and City IT resources. The City may, at its discretion or when required by law, disclose information discovered during monitoring efforts to authorized personnel and law enforcement officials for various purposes, including criminal, civil, and administrative investigations.
- 10.5 Monitoring efforts may result in disciplinary or remedial actions taken against the user, including financial liability, disciplinary action up to and including indefinite suspension/termination of employment, loss of use, termination of contractual agreements with contractors, denial of or restricted access, criminal and civil penalties, and any other action deemed appropriate by the City.
- 10.6 In accordance with City policies and without further notice to users:
- 10.6.1 Department Directors and authorized personnel from Human Resources may conduct monitoring efforts in furtherance of their normal job responsibilities, provided that these personnel obtain the necessary, written authorization. TWU Information Technology (TWU-IT) and department IT personnel are permitted to provide technical assistance upon request in furtherance of authorized monitoring efforts described in this paragraph.
- 10.6.2 Authorized IT personnel may, at any time, conduct monitoring efforts, provided such efforts comply with the applicable laws and City policies and are conducted solely for security, operational, support, and maintenance purposes.
- 10.6.3 Unauthorized monitoring efforts violate this policy and may violate City policies and other laws.



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### 11 ACCEPTABLE USE

#### 11.1 ALLOWED USES:

11.1.1 City IT resources are intended primarily for uses in connection with conducting City business.

11.1.2 Users are permitted to use City information and City IT resources only for purposes that are safe, legal, ethical, do not conflict with the user's duties and is compliant with all other laws. Usage that meets all of these requirements are deemed "proper", "allowed," and "acceptable" (which terms are used interchangeably) unless specifically excluded by City policies.

11.1.3 Limited personal use of City IT resources to conduct non-City business may be permissible when the use is authorized by management, and it occurs occasionally during the City employee's working hours (collectively "Allowed Personal Uses"), as long as the allowed personal uses do not involve any one or more of the following characteristics:

- Cause or lead to any additional expense to the City;
- Negatively impact overall employee productivity;
- Interfere with the normal operations of the City employee's department, work unit, or the City IT resource;
- Compromise the City, City information, or City IT resources in any way; and
- Violate any other elements of this policy, any law or other City policies.

#### 11.2 PROHIBITED USE:

The following list of activities and uses of City information and City IT resources (collectively "Prohibited Uses") are strictly prohibited at any time by any user, unless performed (a) for law enforcement purposes; (b) by Information Technology, or Human Resources in the course of legitimate job responsibilities; or (c) for other lawful purposes as expressly authorized in writing by a department director or designee. The list below is not exhaustive, but merely provides a framework for activities that fall into categories of Prohibited Uses.

11.2.1 Engaging in any activity that violates any law or City policies, including City policies regarding appropriate activities in the workplace;

11.2.2 Creating, accessing, downloading, viewing, storing, or transmitting sexually explicit or sexually-oriented materials. This prohibition does not apply to video or audio files created as part of authorized surveillance or monitoring services, where the video or audio files incidentally record or contain persons engaging in sexually explicit acts;

11.2.3 Engaging in any activity that violates the City's Workplace Discrimination and Harassment policy, as amended from time to time, including the creation or transmission of any materials that ridicule, harass, or discriminate;



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- 11.2.4 Creating, accessing, or transmitting materials that contain offensive, threatening, or disruptive content, including any text or image that can be considered racially offensive, defamatory, disparaging, obscene, hate speech, or otherwise violating the legal rights of others;
  - 11.2.5 Creating, accessing, downloading, viewing, storing, copying, or transmitting materials related to illegal weapons and terrorist activities;
  - 11.2.6 Causing security breaches or engaging in activities that would compromise the security of or harm any City information or City IT resources. This includes avoiding, disabling, or circumventing City-established security procedures and controls; sharing or disclosing a person's user ID or other means of digital authentication (including passwords) without authorization; jail breaking a City-owned mobile device or using a jailbroken device to conduct City business; or introducing, uploading, downloading, or distributing malware.
  - 11.2.7 Storing Sensitive Information on an unauthorized device;
  - 11.2.8 Using City information and City IT resources in any manner that may damage, impair, disrupt, or interfere with the City's IT resources;
  - 11.2.9 Attempting to gain unauthorized access to any City information and City IT resources through hacking, password cracking, using a password and user ID other than the one the user is assigned or authorized to use, or through any other unlawful or unethical means;
  - 11.2.10 Accessing, downloading, reading, deleting, copying, modifying, printing, or transmitting another user's data, user ID, identification, password, or ESI without proper authorization;
  - 11.2.11 Restricting, inhibiting, or preventing another user from accessing or using City information and City IT resources without proper authorization;
  - 11.2.12 Using City IT resources to gain unauthorized access to other IT resources;
  - 11.2.13 Impersonating another user or representing oneself as someone else including either a fictional or real person;
  - 11.2.14 Using P2P communications that have not been purchased by the City for use in conducting City business or have not been approved by Information Technology;
  - 11.2.15 Creating or using unauthorized distribution lists in the City-provided email system or distributing unauthorized newsletters or other publications using the City-provided email system or a City email account;



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- 11.2.16 Distributing anonymous email messages, such as email messages where the recipient is unable to view the sender's name or email address, or the use of an email tool or service that conceals the originator of the email message;
- 11.2.17 Creating, copying, transmitting, or forwarding chain letters, junk email, or other unauthorized mass mailings regardless of the subject matter;
- 11.2.18 Accessing, disclosing, or transmitting Confidential Information to unauthorized recipients or failing to secure the transmission of or access to Confidential Information in compliance with City policies, including the use of DropBox or other data storage repositories unless such use is authorized by City policies or approved, in writing, by appropriate IT personnel;
- 11.2.19 Acquiring, using, reproducing, copying, transmitting, distributing, downloading, or reproducing materials, images, audio or video files, software, or any other document or ESI that is protected by copyright, trademark, license or other intellectual property and legal rights without proper authorization. The user is responsible for obtaining the proper authorization and the City assumes no responsibility for a user's failure to obtain this proper authorization;
- 11.2.20 Downloading or installing software, freeware/shareware or executable program files from the Internet or other electronic sources to City IT resources without approval from the appropriate IT personnel. This includes games, scanners, password crackers, anti-malware software, firewalls, and web browsers.
- 11.2.21 Adding, downloading, installing, or connecting personal IT resources to City IT resources without the appropriate management authorization, including the installation of modems on City data lines, home computers, and reconfiguration of systems. This prohibition does not apply to commonly used and secure personal IT resources, such as software necessary to enable printing (e.g. printer drivers and related software) or other software that facilitates the City employee's performance of his/her job responsibilities;
- 11.2.22 Using the City's IT resources to establish personal, commercial, and/or non-profit organizational web pages;
- 11.2.23 Using City IT resources for commercial purposes, private gain, in support of "for-profit" activities, or in support of other outside employment or business activity (such as consulting for pay, sales or administration of business transactions, or sale of goods or services);
- 11.2.24 Creating, soliciting, or transmitting campaign materials or materials in connection with political, religious, charitable, fund-raising, or other non-City business activities that are not authorized by the appropriate City personnel;



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- 11.2.25 Consuming a significant amount of City IT resources or accessing non-business related applications or websites that maintain a persistent connection to the Internet for non-City business related purposes (such as streaming audio and video, or downloading large files). Consumption of a significant amount of City IT resources for non-City business related purposes occurs when the consumption (a) materially reduces the functionality of, interferes with, or disrupts the performance or operation of the City IT resource; (b) interrupts or interferes with City business; or (c) decreases the user's productivity in conducting City business during the user's work hours; Streaming music is allowed, however.
- 11.2.26 Engaging in gambling or on-line gaming;
- 11.2.27 Engaging in any personal use that does not qualify as allowed personal use under this policy as defined in section 11.1.3 such as spending excessive time using City IT resources for non-City business purposes (e.g. shopping, checking personal email accounts, or visiting social networking sites); and
- 11.2.28 Using City information and City IT resources for any other purpose outside of the acceptable uses authorized by this policy and other City policies.
- 11.2.29 Users will not access City IT resources, via a virtual private network or VPN, from a computer or device that is personally owned; users will only use City owned and issued computers systems for remote access.
- 11.3 Department directors may enact departmental policies that exceed the requirements stated in this section.
- 11.4 Employees are encouraged to seek assistance in advance from management and Human Resources to determine whether a use is for City business purposes, personal, prohibited, or allowed, and whether the personal uses are incidental.
- 11.5 The City accepts no responsibility for any uses, activities, or Internet traffic that violate this policy or the acceptable use policy of any third party's network or IT resource that is connected to a City IT resource, either directly or indirectly, except that, to the extent feasible, the City may notify the City employee that the City employee is alleged to be in violation of a third party's acceptable use policy if the third party so notifies the City, in writing, and provides the City with sufficient information for the City to identify the specific City employee alleged to have violated the third party's acceptable use policy.
- 11.6 The social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited, or a social media application or service specified by executive order of the Governor of Texas under section 620.004 of the Texas Government Code, or designated as a security threat by the Texas Department of Information Resources and the Texas Department of Public safety under section 620.006 of the Texas Government Code is expressly prohibited from any device that is owned or leased by the City of Texarkana Texas, Central Records and Communications, or Texarkana Water Utilities. Section 11.6 of the Technology Use Policy does not apply



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to law enforcement officials working in their official capacity or to cyber security professionals testing and researching threats and mitigations.

- 11.7 All software, hardware, cloud services, or technology services used in the municipal environment must undergo vetting and certification by the IT Department before its use is authorized.

## 12 INTERNET AND EMAIL COMMUNICATIONS

- 12.1 The City provides email, Intranet, and Internet access as a City IT resource, where necessary, for City employees to conduct City business. Users access to and use of City email and the Internet is a privilege that the City may wholly or partially revoke, at its discretion, without notice or consent of the user.
- 12.2 City Internet, Intranet, and email resources, including emails sent or received using City email, are the property of the City.
- 12.3 When users access the Internet using Internet addresses and domain names registered to the City, they may be perceived by others to represent the City. Thus, when accessing the Internet using the City's Internet address, IP addresses, or domain name registered to or associated with the City, users shall not use the Internet for any purpose which would reflect negatively on the City or its employees.
- 12.4 Users should exercise extreme caution to protect the contents of City Information and email communications, including encrypting the contents of email by using City-owned encryption technology, where appropriate, or where encryption is otherwise required by contract, City policy, or by law, such as laws pertaining to Sensitive Information.

## 13 SOFTWARE LICENSE COMPLIANCE

- 13.1 Users shall not install on City IT resources any software that lacks an appropriate license. The only software authorized for use on City IT resources is software that has been (a) purchased through the normal City requisition procedures, (b) made available to the City for a trial period in accordance with applicable City requisition and procurement procedures, (c) approved by appropriate City personnel; or (d) other limited, personally-owned software that is exempted from the Prohibited Use restrictions in this policy that has been properly vetted by Information Technology.
- 13.2 All software installed on City-owned IT resources that is not custom developed in-house by or on behalf of the City shall have a license certificate or documented proof of purchase of the license.

## 14 RESPONSIBILITIES

- 14.1 Records Retention Responsibilities for All users and City Departments
  - 14.1.1 Use of City information and City IT resources may result in the creation of public records and data that the City may furnish to third parties in compliance with the Texas Public Information Act for records pertaining to Texarkana Texas, and the Arkansas Public Records Act for records pertaining to Texarkana Arkansas, or other legal obligations imposed on the City.



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### 14.2 City Employees

14.2.1.1 Adhering to this policy and any additional City policies that augment this policy;

14.2.1.2 Within 24 hours, reporting the loss of a City IT resource to the appropriate authorities and personnel in accordance with this policy;

14.2.1.3 Within 24 hours, reporting to the appropriate authorities and personnel in accordance with this policy the loss of a personally-owned IT resource if the resource was used to conduct City business or otherwise risks the exposure of City information;

14.2.1.4 Providing information about the City IT resources to authorized personnel upon request;

14.2.1.5 Submitting City IT resources when requested to do so by authorized City personnel and prior to the employee's resignation, termination, or discharge from City employment;

14.2.1.6 Notifying designated City personnel as soon as possible prior to the City employee's departure and surrendering City IT resources to designated City personnel on or before the City employee's final day of employment, unless otherwise directed by authorized City personnel;

14.2.1.7 Responding to all requests issued by authorized personnel regarding City IT resources in a prompt, professional, and efficient manner; and

14.3 In accordance with the requirements in this policy and other City policies, all users, including contractors and other non-City employees have the following responsibilities:

14.3.1 Complying with this policy and all other applicable City policies regarding City information and City IT resources; including for Texarkana Texas, Texarkana Water Utilities, and Central Records and Communications the State-mandated cybersecurity training as defined in Texas HB 3834 and in Texarkana Texas Resolution No. 2021-044, as passed by the City Council; and for Texarkana Arkansas, the Employee Handbook as passed by the Board of Directors that requires cybersecurity training;

14.3.2 Using and accessing City IT resources and City information in a lawful and ethical manner and only for their intended purpose in accordance with the authorization granted to the user by the City;

14.3.3 Operating IT resources in a safe manner in compliance with all applicable laws and City policies and in a manner that that is not reasonably likely to (a) create an unsafe work environment or (b) result in mistakes or actions that could present a real or imminent threat to the personal health and safety of the user, co-workers, and the general public. To the extent that this paragraph conflicts with any laws and City policies applicable to (a) emergency, public safety, or medical personnel, (b) the operation of an emergency vehicle, or (c) communicating with an emergency operator, public safety personnel, or medical provider regarding a medical or other emergency situation (e.g. a situation involving a



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reasonable belief that a person's life, health, or safety is in immediate danger), then those laws and City policies shall supersede this paragraph. This supremacy is limited solely to those specific points in conflict that relate to operating an IT resource in a safe manner;

- 14.3.4 Taking reasonable and necessary care to protect City IT resources and City information from unauthorized use or access, loss, damage, theft, abuse, or compromise;
- 14.3.5 Preserving and retaining configurations, security, and MDM software installed on City IT resources and any limitations imposed by the manufacturer;
- 14.3.6 Loading onto an IT resource only the minimum and essential City information necessary to perform the user's business function and accessing or storing this data for the minimum amount of time needed to perform the function;
- 14.3.7 Complying with instructions from authorized City personnel regarding the retention of records for purposes of complying with an open records request, discovery, legal matters, investigations and audits, or any other lawful purposes connected to or in furtherance of City business as directed by the authorized personnel. Upon receipt of an instruction to retain documents or ESI, the user shall not destroy or otherwise dispose of the ESI, regardless of the applicable retention policy, until the authorized the respective City authority;
- 14.3.8 Wherever possible, saving and storing City information on City IT resources, including transferring City information from mobile devices to the City's IT network, document retention repository, or archiving locations as soon as practicable;
- 14.3.9 Maintaining ESI according to City policies' and directives issued by appropriate City personnel or pursuant to the contractual relationship or agreement governing the contractor's performance and services;
- 14.3.10 Refraining from knowingly connecting any mobile devices to a computer or IT resource that does not have up-to-date and enabled anti-malware protection; and
- 14.3.11 Within 24 hours, reporting the following information to Information Technology, the applicable department, other appropriate authorities or City personnel:
  - 14.3.11.1 All lost or stolen mobile devices;
  - 14.3.11.2 Any known or suspected security violations or threats to City information and City IT resources;
  - 14.3.11.3 Any known or suspected incidents of unauthorized access or disclosure, or the inappropriate use of a City IT resource; and



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14.3.11.4 Any suspicions that malware has compromised a City IT resource.

## 15 COMPLIANCE

- 15.1 Users who violate or otherwise fail to adhere to this policy and all related City policies may be subject to appropriate disciplinary action, up to and including: immediate removal of any IT resources, whole or partially restricted access to City information and City IT resources, and termination or indefinite suspension.
- 15.2 Non-City employees, including contractors, who violate or otherwise fail to adhere to this policy and all related City policies may be subject to termination of contractual agreements or relationships, denial of access, and/or civil and criminal penalties.
- 15.3 Noncompliance with this policy and/or its resulting procedures may involve civil or criminal penalties, a requirement to pay fines, reimbursement expenses, and/or penalties assessed or imposed on the user.
- 15.4 The City may also pursue legal action for damages that arise as a result of the City employee's or contractor's breach or violation of this policy.

## 16 CONFLICT AND REPEAL

- 16.1 If the provisions of this policy conflict with any law, that law shall prevail.