THE TOWN OF PANTEGO
EMPLOYEE HANDBOOK

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EMPLOYEE HANDBOOK
THE TOWN OF PANTEGO

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FOREWORD

Whether you have just joined our staff or have been with the Town for a while, I am confident that you will find Pantego a dynamic and rewarding place to work and we look forward to a productive and successful working relationship. Our employees are the Town's most valuable resource. This handbook has been written to serve as a guide for enhancing the employer/employee relationship.

Several things are important to keep in mind about this handbook. First, it contains general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to the Human Resources "HR" Department. Neither this handbook nor any other Town document confers any contractual right, either expressed or implied, to remain in the Town's employment. Nor does it guarantee any fixed terms and conditions of employment. Texas employment law is **employment at will**, which applies to all phases of our employment relationship – meaning that absent a statute or an express agreement (such as an employment contract), either the Town or you may modify any of the terms or conditions of employment, or terminate the relationship altogether, for any reason, or no particular reason at all, with or without advance notice. No Supervisor or other representative of the Town has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. This handbook supersedes any previously written, expressed or implied handbooks, policy statements or practices.

The procedures, practices, policies and benefits described within this handbook may be modified or discontinued from time to time. My goal is to inform you of any changes as they occur.

Finally, some of the subjects described here are covered in detail in official policy documents while others are written into policy statements. Please note that the terms of the written insurance policies are controlling.

Again, welcome to the Town of Pantego. I'm glad you are on our team!

Sean Fox, City Manager

RECEIPT & ACKNOWLEDGEMENT OF PANTEGO EMPLOYEE HANDBOOK

This Employee Handbook is an important document intended to help you become acquainted with Pantego. This Handbook will serve as a guide; it is not the final word always. Individual circumstances may call for individual attention.

Because the general business atmosphere of Pantego and economic conditions are always changing, the contents of this Handbook may be changed any time at the discretion of the City Manager/Town. No changes in any benefit, policy or rule will be made without due consideration of the mutual advantages, disadvantages, benefits and responsibilities such changes will have on you as an employee and on the Town.

Please read the following statements and sign below to indicate your receipt and acknowledgement of the Pantego Employee Handbook.

- I have received and read a copy of the Pantego Employee Manual. I understand that the policies, rules and benefits described in it are subject to change at the discretion of the City Manager/Town anytime. I understand that this Handbook supersedes all other previous Handbooks for Pantego. When in conflict, the Department Manuals will supersede this Handbook.
- I further understand that my employment is terminable at-will, either by myself or the Town, despite the length of my employment or the granting of benefits of any kind.
- I understand that no contract of employment other than "at-will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at-will" employment relationship unless expressed in writing, with the understanding specifically set forth and signed by myself and the City Manager.
- I am aware that during my employment confidential information will be made available to me. I understand that this information is critical to the success of the Town and must not be given out or used outside Pantego's premises or with non-Town employees. In case of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual.
- I understand that, should the content be changed in any way, the Town may require an additional signature from me to indicate that I am aware of and understand any new policies.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Pantego Employee Handbook.
- I understand that this Handbook remains the property of the Town of Pantego and will be returned if I should leave the Town's employment.

_____	_____
Employee's Printed Name	Position
_____	_____
Employee's Signature	Date
_____	_____
Supervisor's Signature	Date

The signed original copy of this agreement should be given to your Supervisor. It will be filed in your personnel file.

WHAT YOU CAN EXPECT FROM THE TOWN

Pantego's established employee relations policy is to:

1. Operate an economically successful municipality so that a consistent level of steady work is available.
2. Select people based on skill, training, ability, attitude, and character without discrimination regarding age, sex, color, race, creed, national origin, religious persuasion, marital status, political belief, or disability that does not prohibit performance of essential job functions.
3. Pay all employees according to their effort and contribution to the success of our municipality
4. Review wages, employee benefits and working conditions constantly with the objective of providing maximum benefits in these areas, consistent with sound business practices.
5. Provide paid vacations and holidays to all eligible employees.
6. Give eligible employees medical, disability, retirement and other benefits.
7. Dedicate ourselves to quality service at the lowest tax rate.
8. Develop competent people who understand and meet our objectives, and who accept with open minds the ideas, suggestions and constructive criticisms of fellow employees.
9. Assure employees, after talking with their Supervisor, an opportunity to discuss any problem with the City Manager.
10. Make prompt and fair adjustment of any complaints that may arise in the everyday conduct of our business, to the extent that it is practicable.
11. Respect individual rights, and treat all employees with courtesy and consideration.
12. Maintain mutual respect in our working relationship.
13. Provide buildings and offices that are attractive, comfortable, orderly and safe.
14. Promote employees based on their ability and merit.
15. Make promotions or fill vacancies from within the staff whenever possible.
16. Keep all employees informed of the progress of the Town and the Town's overall aims and objectives.
17. Do all these things in the spirit of friendliness and cooperation so that the Town of Pantego will continue to be known as "a great place to work!"

WHAT THE TOWN EXPECTS FROM YOU

Your first responsibility is to know your own duties and to do them promptly, correctly and pleasantly. Secondly, you are expected to cooperate with management and your fellow employees and maintain a good team attitude. How you interact with fellow employees and those whom the staff serves, and how you accept direction can affect the success of your department. In turn, the performance of one department can affect the entire service offered by the Town. Consequently, whatever your position, you have an important assignment; perform every task to the best of your ability. The result will be better performance for the Town overall and personal satisfaction by you.

You are encouraged to grasp opportunities for personal development offered to you. This Handbook offers insight on how you can positively perform to the best of your ability to meet and exceed the Town's expectations.

We strongly believe you should have the right to make your own choices in matters that concern and control your life. We believe in direct access to management. We are dedicated to making Pantego a Town where you can approach your Supervisor, or any member of management, to discuss any problem or question. We expect you to voice your opinions and contribute your suggestions to improve the quality of the job. We're all human, so please communicate with each other and with management.

Remember; you help create the healthful, pleasant and safe working conditions that the Town intends for you. Your dignity and that of fellow employees, and that of our citizens, is important.

The Town needs your help in making each working day enjoyable and rewarding.

Policy Authority

The Town of Pantego Town Council authorizes the policies contained within this handbook. The Town's management team and HR are responsible for interpreting and enforcing the policies.

Policies regarding the Texas Municipal Retirement System do not supersede, nor are they intended to conflict with, the laws, rules and regulations of the State of Texas or TMRS. To the extent that there is a conflict between the Town's TMRS policies and the laws, rules and regulations of the State of Texas or TMRS, the laws, rules and regulations of the State of Texas or TMRS prevail.

Policies regarding the Social Security System do not supersede, nor are they intended to conflict with, the laws, rules and regulations of the State of Texas or the federal government. To the extent that there is a conflict between the Town's TMRS policies and the laws, rules and regulations of the State of Texas or TMRS, the laws, rules and regulations of the State of Texas or TMRS prevail.

I. INTRODUCTION

PERSONNEL FILE

The task of handling personnel records and related personnel administration functions of the Town is the responsibility of the Human Resources (HR) Department. All questions regarding insurance, wages and interpretation of policies may be directed to them. Each Department Head is responsible to ensure that appropriate information is sent to HR in a timely manner.

The personnel files are the property of the Town of Pantego. Employees may request to review their file at any time by scheduling an appointment with HR and by completing a Request to View Personnel Files Form in the HR Department, or by completing an Open Records Request Form through the Town Secretary's office. At no time may any employee remove any item from an employee's personnel file (either his/her own file or the file of a subordinate) without the approval of the HR Department and City Manager.

The City Manager may not remove any items from his/her personnel file without the expressed written consent of the Mayor and Town Council of Pantego.

Keeping your personnel file up-to-date can be important to you with regard to pay, deductions, benefits and other matters. If you have a change in any of the following items, please be sure to notify your Supervisor or the HR Department when possible:

1. Legal name
2. Home address
3. Home telephone number
4. Emergency contact
5. Dependants
6. Marital status
7. Beneficiary change
8. Driving record or status of drivers' license, if operating any Town vehicles
9. Military or draft status
10. Exemptions on W4 tax form

Coverage or benefits that you or your family may receive under the Town's benefits package could be negatively affected if the information in your personnel file is incorrect. Appropriate benefits providers (health, dental, retirement, etc.) should be notified when employees have changes in:

- Name and/or marital status
- Address and/or telephone number
- Number of eligible dependents

ANNIVERSARY DATE

The first day you report to work is your "official" anniversary date. Your anniversary date is used to compute various conditions and benefits described herein.

APTITUDE AND ABILITY TESTS

If you have a disability that will affect your ability to take such a test, it is important that you advise a Supervisor of this so that a reasonable accommodation can be arranged. Requested accommodations may include accessible testing sites, modified testing conditions, and accessible testing formats. The Town reserves the right to require medical documentation concerning the need for accommodation.

AT-WILL EMPLOYMENT

All employment and compensation with the Town is "at will" meaning that your employment can be terminated with or without cause, and with or without notice, anytime, at the option of either the Town or yourself, except as otherwise provided by law.

BONDING REQUIREMENT

Under certain circumstances, the Town may require that you be bonded. It is your responsibility to assure that you are bondable. The Town will pay the cost of bonding. Should you fail to maintain these qualifications, you will be subject to transfer to another position, if available, or dismissal.

BUSINESS HOURS

Our regular operating hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Your particular hours of work and scheduled breaks and lunch will be determined and assigned by your Supervisor or Department Head. Most employees are assigned to work a forty (40) hour workweek. You are required to take a one (1) hour unpaid lunch period daily; please understand that you may not "work through lunch" to arrive late or to leave early or to work extra time unless approved by your Supervisor.

CONFIDENTIAL INFORMATION

Our citizens entrust the staff with important information related to their businesses. The nature of this relationship requires maintenance of confidentiality. In safeguarding the information received, the staff earns the respect and further trust of our citizens.

Your employment with the Town assumes an obligation to maintain confidentiality, even after you leave our employ.

Any violation of confidentiality seriously injures the Town's reputation and effectiveness. Therefore, please do not discuss Town business with anyone who does not work for the Town and never discuss business transactions with anyone who does not have a direct association with the transaction. Even casual remarks can be misinterpreted and repeated, so develop the personal discipline necessary to maintain confidentiality. If you hear, see, or become aware of anyone else breaking this trust, consider what he or she might do with information received from you.

If you are questioned by someone outside the staff or your department and you are concerned with the appropriateness of giving them certain information, remember that you are not required to answer, and that we do not wish you to do so. Instead, as politely as possible, refer the request to your Supervisor or the City Manager.

No one is permitted to remove or make copies of any Town records, reports, or documents without prior management approval. Disclosure of confidential information, whether advertent or inadvertent, may lead to dismissal.

CUSTOMER RELATIONS

The success of the Town depends upon the quality of the relationships between the Town, our employees, and the general public. In a sense, whatever your position, you are the Town's ambassador. The more goodwill you promote, the more our citizens will respect and appreciate you.

Here are several things that can be done to help give citizens a positive impression of the Town:

- Act competently and deal with citizens in a courteous and respectful manner.
- Communicate pleasantly and respectfully with other employees always.
- Follow up on orders and questions promptly, provide businesslike replies to inquiries and requests, and perform all duties in an orderly manner.

- Take great pride in your work and enjoy doing your very best.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT

Equal Employment Opportunity and Affirmative Action have been, and will continue to be, fundamental principles of the Town of Pantego. The Town values diversity and employment is based upon personal capabilities and qualifications without regard to race, color, religion, sex, age, national origin, disability, or any other protected characteristic as established by law.

This policy of Equal Employment Opportunity/Affirmative Action applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, discipline, termination and all other terms and conditions of employment.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

NON DISCRIMINATION AND HARASSMENT

The Town of Pantego is committed to maintaining a work environment which is free of sexual harassment and which is free from unlawful employee harassment based on race, color, sex, religion, national origin, disability, age or any other status protected by federal or state law. The Town of Pantego's standard of conduct regarding harassment is more restrictive than required by law. The term "harassment" includes, but is not limited to: verbal, graphic or physical conduct of an offensive nature which is related to a person's protected status. "Sexual harassment" includes sexual advances, requests for sexual favors, unwelcome or offensive touching, and other verbal, graphic, or physical conduct of a sexual nature. Any violation of this policy may result in disciplinary action, including immediate termination.

Specific Prohibited Conduct

All forms of harassing conduct are prohibited, especially where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
3. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment

Sexual Harassment

As defined in Equal Employment Opportunity guidelines, sexual harassment is any unwelcome sexual advance, request for sexual favors, or any verbal or physical conduct of a sexual nature when:

- Submission to the conduct is a specific or implied term or condition of employment, or
- Submission or rejection of the conduct is used as the basis for employment or tangible benefit decisions, or
- Such conduct has the purpose and/or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment is simply harassment based on gender. It is unwelcome behavior that is one-sided, intimidating, and offensive to the recipient and may occur in the following forms.

Authority or status is improperly used to request or demand sexual favors in exchange for continued employment or work-related benefits. This is defined as quid-pro-quo or this for that sexual harassment.

Normal social interaction does not usually constitute sexual harassment. However, sexual comments or physical actions including overt displays of affection or familiarity are not appropriate or acceptable in the Town work environment, whether welcome or unwelcome.

Other Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is defined as "verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability or any other characteristic protected by law. This definition is also extended to an employee's relatives, friends or associates. Harassment: (a.) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (b.) has the purpose or effect of unreasonably interfering with an individual's work performance; or (c.) otherwise adversely affects an individual's employment opportunities."

Hostile environment harassment occurs when verbal or physical conduct by a Supervisor or co-worker creates an intimidating, hostile, or offensive work environment. Hostile environment may take the form of, but is not limited to:

- Verbal expressions such as sexual propositions, sexual innuendoes, suggestive comments, sexually oriented kidding or teasing, and jokes of sexual nature or about gender-specific traits (including through e-mail)
- Nonverbal expressions such as obscene or indecent gestures, and displays of offensive printed or visual material.
- Physical conduct such as touching, patting, pinching, or brushing against another's body or any physical contact considered unacceptable by the recipient.

Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination, retaliation and false accusations whether engaged in by fellow employees, by a Supervisor or manager, or by someone not directly connected to the Town of Pantego (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

All Town Employees, elected and appointed officials are responsible for promoting a positive work environment by:

- Respecting the individual rights of others,
- Conducting themselves in a professional and businesslike manner,
- Promoting an environment where people feel responsible for and are free to address unwelcome or offensive conduct,
- Refraining from inappropriate or sexually harassing conduct, and
- Initiating actions to correct conduct of a sexually harassing nature.

Managers and Supervisors are responsible for:

- Promoting awareness through training within their organizations,
- Working with HR to address issues of inappropriate behavior, and
- Actively endorsing an environment free from unwelcome and offensive conduct.

HR Department is responsible for:

- Coordinating and assisting in education and awareness programs,
- Monitoring the application of corrective action, and
- Ensuring consistent administration of this policy.

Supervisor/Subordinate Relationship

A proper Supervisor relationship cannot be maintained when there is other than a professional relationship between a Supervisor and a subordinate. Therefore, relationships of this nature are inappropriate and unacceptable at the Town of Pantego.

Complaint and Reporting Procedures

Any employee who experiences any job-related harassment based on sex, race, national origin, disability or age or who believes he or she has been treated in an unlawful discriminatory manner must promptly report the concern or complaint to his/her respective Department Head. If a concern or complaint of this nature involves the (the, not their) Department Head, the matter should be reported to the City Manager.

This policy applies to all incidents of alleged harassment, including those that occur off premises, or during off-hours, where the alleged offender is a Supervisor, coworker, or non-employee with whom the employee is involved in a business or potential business relationship for the Town.

Any observation of harassment of another employee and/or complaint of behavior toward another employee that is perceived as sexual harassment or other discrimination should also be reported to their Department Head.

No one should assume that management is aware of incidents of harassment. It is the responsibility of each employee to bring complaints or concerns promptly to the attention of management so that they can be resolved.

Enforcement

All complaints will be taken seriously and promptly addressed and/or investigated to the extent necessary. In appropriate circumstances, the Town will inform the reporting individual of the manner in which the matter has been addressed or of the results of the investigation. All employees should be aware that the privacy and identity of the complaining person and the person accused of harassment will be kept confidential to the extent possible, except as may be necessary to investigate the complaint and take corrective action. Corrective and/or disciplinary action, including termination, will be taken against offenders where warranted.

Policy against Retaliation

Employees who makes a harassment or unlawful discrimination complaint or who report incidents of same, as well as any witnesses, who cooperate with the investigation, will not be disciplined or retaliated against for doing so. However, if after investigating any complaint or report of harassment or unlawful discrimination, the Town determine that the complaint or report is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or report or who gave the false information.

The Town of Pantego is committed to a work environment in which all individuals are treated with respect and dignity. Consistent with this commitment, conduct of a sexually harassing nature is inappropriate and unacceptable at the Town of Pantego. The Town will not tolerate retaliation against anyone who alleges that they have been subjected to sexually harassing conduct. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Town expects that all relationships among people in the workplace will be business-like and free of bias, prejudice and harassment.

This policy applies to all Town Employees, elected and appointed officials, whether on Town premises or in a location where Town work or business is conducted, at any time during work hours or thereafter. All Town employees subjected to sexual harassment by contractors, service employees, and customers should use the Town's reporting procedures.

Complaint Procedures

Reporting an Incident of Harassment, Discrimination or Retaliation

Promptly stopping unwelcome conduct is of utmost importance. If Town employees feel that they have been subjected to inappropriate behavior, they may choose to inform the person that his/her behavior is unwelcome and inappropriate. A Town employee may seek counsel from the HR Department concerning ways to request that the inappropriate behavior cease.

If, as relates to the subject of inappropriate behavior, employees feel uncomfortable in personally asking that certain behavior be discontinued, or if their personal efforts to stop any unwelcome behavior were unsuccessful, they are expected to report the conduct and work with the HR Department to eliminate it. In seeking counsel or requesting assistance in starting a solution process, employees should contact the HR Department, their Department Head, or City Manager. If an employee wishes to file a complaint of harassment or discrimination against an elected or appointed official, the complaint should be directed to the City Manager.

If an employee making a complaint does not agree with its resolution, the employee may appeal the decision by utilizing the Town's formal grievance process. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. Therefore, all complaints for harassment or discrimination should be reported within ten working days of the alleged action. The Town strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

The Investigation

The HR Department or his/her designee will investigate any reported allegations of harassment, discrimination, retaliation or false accusations promptly. Complaints involving Police personnel will be investigated jointly between the HR Department or his/her designee and the Internal Affairs Officer in the Police Department. The City Manager will be responsible for investigating any harassment of discrimination complaints made by an employee against an elected or appointed official. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigation process to the extent allowed by law and consistent with adequate investigation and appropriate corrective action.

Responsive Action

Misconduct constituting harassment, discrimination, retaliation or false accusations will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, demotion, temporary suspension without pay or termination, as the Town believes appropriate under the circumstances.

Any Town employee who the Town determines has engaged in sexual harassment, whether quid-pro-quo or hostile environment will be disciplined. Corrective action may range from a discussion up to and including immediate termination of employment, depending on the severity of the conduct, impact on the employee, and the best interests of the Town.

Corrective action up to and including termination towards Department Heads and Supervisors will also be applied in those cases where those individuals become aware of, but fail to address, incidents of a sexually harassing nature.

The Town will undertake all necessary corrective action on behalf of Town employees subjected to sexual harassment by contractors, service employees, and customers. Corrective action will be undertaken within the bounds of the Town's legal relationship with these entities, but, in any event, all actions will be undertaken for the purpose of protecting the employee from sexual harassment.

The Town of Pantego strongly urges the reporting of all incidents of discrimination, harassment, retaliation or false accusations regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they feel is contrary to the Town's policy or who have concerns about such matters should file their complaints with their immediate Supervisor, Department Head or the HR Manager. Individuals should not feel obligated to file their complaints with their immediate Supervisor first before bringing the matter to the attention of one of the other Town's designated representatives identified above. In the event that a complaint is filed with the immediate Supervisor or Department Head, HR should be notified immediately.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the Town of Pantego prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

AMERICANS WITH DISABILITIES ACT

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact their Supervisor. Any additional questions or concerns should be directed to the Department Head, and then the HR Department as needed. The Town encourages individuals with disabilities to come forward and request reasonable accommodation.

Procedure for Requesting an Accommodation

Upon receipt of an accommodation request, your Supervisor will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the Town might make to help overcome those limitations.

The Town will determine the feasibility of the requested accommodation. Consideration will be based on various factors, including, but not limited to, the nature and cost of the accommodation, outside funding, the Town's overall financial resources and organization, and the accommodation's impact on the operation of the Town. Also included for consideration is the impact on the ability of other employees to perform their duties and on the Town's ability to conduct business.

The Town will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees may appeal the decision by utilizing the Town's formal grievance process. If the request on appeal is denied, that decision is final.

If the Town of Pantego has questions regarding the validity of an ADA assertion or questions concerning the impairment of a major life function, the Town may request documentation (at the Town's expense) from a specialist. This documentation will specify whether or not a major life function is impaired and what accommodations (based on the functions listed in the job description) can be made.

The ADA does require the Town to make a reasonable accommodation (but not necessarily the best possible accommodation). It also does not require the Town, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the HR Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

IMMIGRATION LAW COMPLIANCE

In compliance with the Immigration Reform and Control Act of 1986, all new employees, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing eligibility to legally work in the United States. All such documentation must be provided within three (3) working days or the employee will be deemed as ineligible to work in the United Sates. If on payroll, the employee will be terminated.

Former employees who are rehired must also complete the form if they have not completed an I-9 form with the Town within the past three years, or if their previous I-9 form is no longer retained, or if the supporting documentation is no longer valid.

CONFLICT OF INTEREST

The Town expects its employees to conduct business according to the highest standards of conduct. Employees are expected to devote their best efforts to the interests of the Town. Business dealings that appear to create a conflict between the interests of the Town and an employee are unacceptable. The Town recognizes the rights of employees to engage in activities outside of their employment that are of a private nature and unrelated to Town business. However, the employee must disclose any actual or possible conflicts so that the Town may assess and prevent conflicts of interest from arising. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of the Town's business dealings.

Although it is not possible to specify every action that might create a conflict of interest, this policy sets forth examples that most frequently present problems. If employees have any questions as to whether an action or proposed course of conduct would create a conflict of interest, they should immediately contact their Department Head to obtain advice on the issue.

A violation of this policy may result in discipline up to and including termination.

OUTSIDE EMPLOYMENT

No employee will engage in outside employment, including self-employment where a conflict exists. In general, outside work activities are not allowed when they:

- Adversely affect the employee's performance in the service of the Town;
- Result in the illegal use of a Town position for personal gain;
- Constitute a conflict of interest;
- Result in the use of Town property, equipment or funds;
- Bring the Town into disrepute;
- Reflect discredit upon the employee; and,
- Prevent employees from fully performing work for which they are employed at the Town, including overtime assignments.

Outside employment may be subject to approval by the employee's Department Head and subject to departmental rules.

From time to time, Town employees may be required to work beyond normally scheduled hours. Employees must perform this work when requested. In case of conflict with any outside activity, the employee's obligation to the Town must be given priority. Employees are hired and continue in the Town's employment with the understanding that the Town is their primary employer and that other employment or commercial involvement that is in conflict with the business interests of the Town is strictly prohibited.

POLITICAL ACTIVITY

It is the policy of the Town to encourage employees to fully exercise their constitutional rights as citizens to vote and participate in political activities. Although this policy exists, Town employees are subject to the restrictions contained herein regarding political activity, except as may be otherwise provided by law.

No employee will use working hours or Town property in any way for soliciting or receiving any subscription, contribution or political service on behalf of any candidate for public office.

No employee may seek or hold an appointive or elective Town office or position on any Town board or commission, or any other office where service would constitute a direct conflict of interest with Town employment.

No employee will engage in political activities in violation of law or this policy while on duty, while in uniform or in a vehicle that identifies the employee as a Town employee, while in the offices, buildings, or non-public areas of Town property. Employees may not use their official title or status to engage in political activities.

For the purpose of this section, employees engage in political activity if they do any of the following within the Pantego Town limits on behalf of a candidate during a Town of Pantego election:

- Makes a public political speech supporting or opposing a candidate;
- Distributes a card or other political literature relating to the campaign of a candidate;
- Wears a campaign button;
- Solicits votes for a candidate; and,
- Solicits campaign contributions for a candidate.

FINANCIAL INTERESTS IN OTHER BUSINESSES

Employees and their immediate family may not own or hold any significant interest in a supplier or vendor of the Town, except where such ownership or interest consists of securities in a publicly owned company and such securities are regularly traded on the open market.

ACCEPTANCE OF GIFTS

No employee may solicit or accept gifts of significant value (in excess of $25.00), entertainment, or other benefits from potential and actual contractors, customers, suppliers and vendors. Special care must be taken to avoid even the impression of a conflict of interest.

An employee may entertain potential or actual customers if such entertainment is consistent with accepted, ethical standards, and the public disclosure of facts will not embarrass the Town. Any questions regarding this policy should be addressed to HR.

Implementation Procedures

All employees must promptly disclose actual or potential conflicts of interest, in writing, to their Supervisor. Approval will not be given unless the relationship will not interfere with the employee's duties or will create an actual or potential conflict of interest.

II. EMPLOYMENT

PRE-EMPLOYMENT PHYSICALS AND DRUG TESTS

Employees (Regular Fulltime, Regular Part-time, Temporary and Seasonal)

All persons selected for initial appointment or reinstatement will undergo a thorough medical examination, dependant on the essential job functions of the position for which they are being considered, and drug/alcohol test as prescribed by the Town upon a conditional offer of employment and prior to their final appointment. The physical examination and drug/alcohol test will be conducted by a physician of the Town's choice and paid for by the Town. Employment will be contingent upon successful completion of the medical examination and drug/alcohol test in relation to the standards of fitness required for the position. No candidate is authorized to begin employment with the Town until the results of the pre-employment physical and drug/alcohol test are reviewed and approved by HR.

Contract Labor

All individuals selected to work in a contract labor position will be required to submit to a pre-employment drug/alcohol test. For the purpose of this policy statement, “contract labor” is defined as any person who is paid to work in a job that requires that person to have access to a Town facility and/or interaction with Town customers. This person is not otherwise a regular full or part time employee.

The drug/alcohol test must be done within 48 hours of the individual agreeing to the terms of the contract and will be conducted by a facility of the Town’s choice and paid for by the Town.

Awarding of the contract will be contingent upon the individual passing the drug/alcohol test. No individual is authorized to sign a contract labor agreement or work in a contract labor capacity until the results of the drug/alcohol test are reviewed and approved by HR.

INITIAL EMPLOYMENT PERIOD

Your first ninety (90) days of employment with the Town of Pantego are considered an Introductory Period, and during that period you will accrue benefits described in this manual unless otherwise required by law. However, you will not be allowed to use these benefits until you have completed the Introductory Period. This Introductory Period will be a time for getting to know your fellow employees, your Supervisor and tasks involved in your job position, and becoming familiar with the Town. Your Supervisor will work closely with you to help you understand the needs and processes of your job.

This Introductory Period differs from a Probationary Period that is set by department (90 days for Municipal Services and G&A, six months for Dispatch, and twelve months for the Police Department and Fire Department.) The Probationary Period is a tryout time for both you, as an employee, and the Town, as an employer. During this Probationary Period, your Supervisor will evaluate your suitability for employment, and you can evaluate the Town as well. Anytime during this Probationary Period, you may resign without any detriment to your record. If, during this period, your work habits, attitude, attendance, or performance do not measure up to our standards, we may release you or extend your Probationary Period. If you take approved time off more than five workdays during the Probationary Period, the Probationary Period may be extended by that amount of time.

The Town will use the initial employment period to closely observe and evaluate the work of all employees and to encourage their effective adjustment to the position. The Town will retain only those employees who meet an acceptable standard of work during their initial employment period.

If the employee does not meet the standards set forth by the department, up to a three-month extension to the initial employment period may be granted in order to give the employee an opportunity to improve and meet the expectations. Such an extension will be at the discretion of the Department Head, and will be used when an employee's performance has been marginal or other circumstances exist that may warrant this action.

During this time, the new employee will be provided with training and guidance from his/her Supervisor. The employee may be discharged at any time during this period if the Supervisor concludes that the employee is not progressing or performing satisfactorily.

During the initial employment period, employment is not for any specific time and may be terminated at will, with or without cause and without prior notice, without right to an appeal or hearing.

EMPLOYEE CATEGORIES

Based on the conditions of employment, employees of the Town of Pantego fall into the following categories:

- Regular Full-time
- Regular Part-time
- Temporary/Seasonal Fulltime or Part-time

Regular Full-time

An employee who is considered full-time works the standard working hours at the Town each week as defined by their department. For most employees (other than Police and Fire shift personnel) it is 40 hours a week. For uniformed Police Officers it is 80 hours per 14 days and for Fire personnel it is 212 hours in a 28-day work cycle. Any employee who is temporarily reassigned to a 12-hour schedule is paid overtime based on the 80-hour cycle.

Exempt employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws and the Fair Labor Standards Act (FLSA). Exempt employees are not eligible for overtime pay. Their salaries are calculated on a weekly basis.

Non-Exempt employees receive overtime pay in accordance with our overtime policy and the FLSA. Their salaries are calculated on an hourly basis.

Regular Part-time

Part-time regular employees are those that work 20 hours a week or less. They are paid a competitive salary and are generally given some benefits that full-time employees have, but at a prorated level. Part-time employees receive holiday pay on the basis of four (4) hours per day for a twenty (20) hour workweek. These employees are not eligible to become members of the retirement fund or to accumulate vacation, sick leave or other benefits allowed fulltime employees.

Temporary/Seasonal Employees

Temporary/seasonal employees work for a certain period of time, either full-time or part-time. They are told in advance the period of employment or told under what conditions their employment may be terminated. All summer jobs fall in this category, as do jobs for a certain period of time as designated to complete a specific work project, such as working as a lifeguard during the summer months. These employees are appointed to fill vacancies created by the heavy work load placed on the Town during the summer months, or other seasons of the year when additional facilities are made available to the public (i.e. aquatics, recreational facilities, park facilities). These employees are not eligible to become members of the retirement fund or to accumulate vacation, sick leave, or other benefits allowed non-orientation employees. Temporary/seasonal employees who work during a scheduled holiday will receive holiday premium pay.

JOB POSTING AND INTERNAL PROMOTION

The Town of Pantego adheres to the philosophy of promoting from within those employees who meet the qualifications for the position, have improved their skills and have documented the desire to excel within the organization. To accomplish this objective in a timely and orderly manner, and to ensure that all employees are given the opportunity to receive notification of the openings, the Town has devised an internal job posting and

promotion system for vacancies within the organization. This policy does not apply to the promotional processes of uniformed police officers or fire personnel due to departmental promotional processes nor does it guarantee that internal applicants will fill all positions. This policy does not apply to employees involved in disciplinary action or internal investigations.

Job Posting Procedures

All positions within the Town will be posted after the Requisition for Staff form has been completed and submitted to HR. The only exception to this policy is positions where eligibility lists are created as a result of having specialized testing procedures done in conjunction with multi-Town cooperative agreements.

Openings may be posted for a specific time period or until the position is filled.

The HR Department is responsible for the distribution via intra-office mail of all job postings to each of the Town departments. Once a position is filled, the HR Department will contact the designated representative from each department to request removal of the job posting. Job postings should be removed in a timely manner after the position has closed.

The HR Department must approve any deviation from the outlined job posting procedures.

Internal Job Posting Options

All vacant or newly created positions within the Town will be posted. There are two ways that a department can post an opening.

Posting within the Department Only

This option is available to be used when the vacant position is considered to be in line within a natural progression.

Posting Townwide

This option will allow for a job posting to be prepared and distributed to all departments.

External Job Posting

Positions may be simultaneously posted internally and externally. However, if a position is posted both internally and externally, an applicant should not be hired from the outside during the first seven working days the position is posted externally. However, external applicants may be interviewed during this time frame.

Employee Eligibility and Procedures

The following procedures govern employees applying for an internal transfer or promotion.

- Once initially hired, employees must be in their current position (the position for which they were hired) for a minimum of six months before they can apply for a transfer to another position, unless the Department Head and City Manager approve the transfer. In this instance, there must not be any disciplinary action pending or current disciplinary action in progress.
- Employees must meet all of the qualifications listed on the posting and required in the job description in order to be considered for the position.
- Employees must submit a completed Application form (complete with Supervisor and Department Head signatures) to the HR Department before 5 p.m. on the closing date. The HR Department must approve any extensions after the closing period.
- Department management has the responsibility of ensuring that all professional courtesy is extended to both internal applicants and the department where the internal applicant works. This means that department management where the internal applicant works will be notified of all interviews, job offers,

etc. as it pertains to their employee. It also means that applicants will receive proper communication regarding their status as an internal applicant.

- The interviewing Supervisor will determine whether or not the employee meets the minimum qualifications for the job.
- If the employee does not meet the minimum qualifications for the job, the interviewing Supervisor has the responsibility of contacting the employee to inform him/her.
- Promotions or transfers under this program may not be affected for up to two weeks after selection has been made, to allow for other adjustments for each department's needs, such as the completion of projects in the works or allowing the department to secure a replacement.
- Employees promoted or transferred because of the internal job posting and promotional process (as outlined in the first bullet of this section) are placed in a new six-month employment period status. As a result, they may not apply for another position or promotion during this time period unless it is within the same department and is approved by the Department Head.

Monetary Compensation Adjustments

Once an employee has been transferred or promoted as a result of the internal promotion and job posting system, his/her compensation will be adjusted within the parameters listed below depending on the employee's individual circumstance(s).

- If the employee's current salary is below the minimum of the new pay grade, the employee's salary will move to the minimum of the new pay grade or be adjusted up by 5%, whichever is greater.
- Employees transferring laterally within a pay grade will not receive additional pay compensation.
- Employees transferring into a position within a lesser grade will be compensated by receiving a 5% reduction in pay if the salary of their current position (at the time of transfer or demotion) is within the pay grade of the position they are being moved into. If the current salary at the time of transfer or demotion is higher than the pay range they are being transferred into, their compensation will be adjusted down to the maximum of the new pay grade or down by 5% whichever is greater.
- If an employee is receiving certification pay (from a previous position) that is not of benefit in the new position, the certification pay will not be paid in the new position.
- All transfers, promotions and salary adjustments, with the exception of the Fiscal Year salary adjustments, will be made at the beginning of a pay period. Fiscal Year salary adjustments will be made at the end of the first "full pay period" in the new Fiscal Year.

TRANSFER, PROMOTIONS, AND REINSTATEMENTS

Transfers

A transfer not including promotion or demotion may be considered at any time for administrative convenience or upon request of the employee to the Department Head if the employee is qualified to perform the duties of the position requested. Transfers between departments or within the same department/same pay grade become effective following the approval of the Department Head(s). In these cases, transfers are considered a lateral move and no monetary adjustments will be made to a salary. If the transfer involves moving to a different division within a department or to a completely different department, the employee will be required to complete an initial orientation period unless otherwise approved by the City Manager and HR. Employees who are transferred due to administrative convenience will not be required to complete a new orientation period.

Generally, employees should be in their job for at least six months before applying for a change in position unless approved in advance by the City Manager and the Department Head. An employee's performance, attendance, punctuality record and disciplinary record will be taken into account.

An employee who desires to transfer into another position must follow the procedures outlined in the internal promotion and job posting policy, unless the transfer is within the same department and considered a lateral move within the pay plan. Each employee requesting a transfer will be considered for the new position along with all other applicants.

Each transfer is judged on an individual basis, depending on the needs of both departments involved.

Management will make all final decisions, regarding transfers, in conjunction with the HR Department, if needed.

Employees who wish to apply for a transfer should discuss it first with their Supervisor. Employees are encouraged to discuss their career aspirations with their Supervisor. The HR Department is available for consultation with employees to help them determine if their skills fit the requirements of the desired job.

Promotions

Promotions must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of increasing compensation. Employees accepting a promotion will serve an orientation period.

If the employee does not satisfactorily perform the duties of the new position, or if the Supervisor feels that the employee may not successfully complete the initial employment period, the employee may be terminated, or returned to the former position, if available. Those employees returning to their former positions will do so at the pay rate prior to the promotion. The Town encourages employees to assume higher-level positions or lateral transfers for which they qualify.

Reinstatements/Rehires

An employee who resigns from the Town in good standing will be eligible to be rehired in an open position if the employee is qualified for the essential job functions and if the rehire is in the best interest of the Town.

A rehired employee may regain an adjusted tenure under the following circumstances:

- The employee must have resigned in good standing after completing their initial employment period. The Town of Pantego must not have terminated the employee.
- The employee must have been separated from the Town of Pantego for no more than one year. The employee must have been a regular full time employee previously and must be rehired as a regular full time employee.
- Rehired employees will not be eligible to retrieve any sick, vacation or other leave balances that may have existed at time of resignation. Tenure at the time of separation will be restored once the provisions of the policy are met.
- All rehired employees will be required to complete an initial orientation period just as any other newly hired employee. Once the initial orientation period is completed, employees receiving adjusted tenure will be eligible for all benefits, privileges, eligibility, etc. just as any other employee with the same tenure. Examples include vacation accrual, longevity pay, retirement calculations and promotional eligibility in the Police and Fire Departments.

III. COMPENSATION

PERFORMANCE MANAGEMENT AND COMPENSATION PROGRAMS

The work performance of employees is evaluated on a continuous basis. Evaluation Reports are submitted on each employee according to the following schedule

- Probationary Evaluation – At the end of the 3rd month of employment
- Mid Term Evaluation – December 1st
- Annual Evaluation – June 1st
- Special Evaluation – As required

The evaluations are devised to gain significant facts concerning the details of the quality and quantity of work performed, the conduct and work habits of the employee, and other factors having bearing on the employee's performance and value to the organization.

Employees will be provided a copy of their evaluation report. Supervisors will individually review reports with employees and discuss any improvements in performance as necessary.

All annual evaluation reports will be made a part of the employee's personnel file. The results of evaluations may be a factor in determining whether or not an employee successfully completes his/her initial employment period, taking other personnel action, and in making salary adjustments in compensation.

In order to attract and retain a highly qualified and competent work force, the Town has instituted a performance management program to compensate employees in a fair and equitable manner. This program is based upon demonstrated job performance, an approved budget adopted by the Town Council, and in accordance with its Equal Employment Opportunity policy.

Through this program, employees will receive constructive work reviews designed to address performance and skill developmental needs and interests.

Under usual and appropriate circumstances, employees should receive a performance review annually. If an employee's job responsibilities change substantially at any time after the annual work review, however, another may be conducted before the next annual review, after the new assignment has begun.

PAYMENT OF SALARY/WORKWEEK

All employees are paid twenty-six (26) pay periods annually.

Salary payment is made biweekly, every other Wednesday, for base salary due up to the pay date.

Regular working hours for Town employees, excluding Fire shift employees and uniformed Police Officers, are forty (40) hours per week.

Regular working hours for uniformed Police Officers are 171 hours in a 28-day period of time. Fire shift employees regularly work 212 hours in a 28-day period of time.

All personnel changes requiring adjustments to compensation will be made at the beginning of the pay period, including Fiscal Year compensation adjustments.[……] Employee paychecks will only be given personally to that employee or the designated representative from each department assigned to pick up all paychecks for their area. All other arrangements for mailing or pick-up must be made in advance and in writing with the HR Department if the paycheck is to be released to someone other than the employee.

If the regular payday falls on a Town-recognized holiday, paychecks will be distributed one workday prior to the aforementioned holiday.

Employees may be paid by check or through direct deposit of funds to either a savings or checking account at their bank of choice (providing the bank has direct deposit capability). To activate direct deposit, a Direct Deposit Authorization form from HR may be obtained and completed. The completed form must then be returned with a voided personal check to the HR Department. Due to banking requirements it may take two weeks for activation of the Direct Deposit.

In the event of a lost paycheck, the HR Department must be notified in writing as soon as possible before a replacement check can be issued. In the event the lost paycheck is recovered and the Town identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the Town within 24 hours of the time it is demanded and may be subjected to disciplinary action.

The number of exemptions claimed on Form W-4, Employee's Withholding Allowance Certificate, affects the amount of Federal withholding. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the HR Department. It is the employee's responsibility to complete the W-4 form and all elections thereon, including any and all amendments from time to time.

OVERTIME

The Fair Labor Standards Act (FLSA) requires those non-exempt employees be paid time and a half (one and one-half times their rate of pay) for every hour actually worked in excess of forty (40) hours for regular employees, one hundred seventy one (171) hours for Police employees or two hundred twelve (212) hours for Fire shift personnel in their designated work cycle. Hours worked includes all time required or allowed to be worked or to be on duty at the workplace. This includes approved holidays, jury duty or job-related subpoenas, unless otherwise approved by the City Manager. Employees must provide a copy of the jury duty summons or subpoena to their Supervisor.

It is the Department Head's discretion, with the employee's approval, as to whether or not the Town will offer the employee compensatory time (comp time) or a monetary payment for any overtime hours. With either option, compensation will be at time and a half unless otherwise approved by the City Manager.

Any compensatory time authorized for exempt employees will be a matter of record, and time off must be taken before the end of the full pay period and with approval of the City Manager. Accumulation of compensatory time will not exceed 16 hours.

Depending on the Town's work needs, employees will be required to work overtime when requested to do so. Approval of a Supervisor however, is required for any non-exempt employee to work overtime. Employees working overtime without written approval will be subject to disciplinary action, and will not be eligible to receive overtime pay in that situation.

There are two types of overtime work:

- **Scheduled Overtime -** Scheduled overtime work is announced in advance and generally will involve an entire department or operation. This type of overtime becomes part of the required workweek of the people who are members of the department or operation. If you need to be excused from performing scheduled overtime, please speak to your Supervisor. He or she will consider the situation and the requirements of the department or operation in deciding whether you may be excused from performing the scheduled overtime.

- **Incidental Overtime -** Incidental overtime is not scheduled; it becomes necessary in response to extenuating circumstances. It is extra time needed to complete work normally completed during regular hours. Incidental overtime may become necessary when an illness or emergency keeps co-workers from being at work as anticipated. It may require you to return to the workplace for emergency work. The opportunity to perform incidental overtime will be given first to the employee who normally performs the task. If that employee cannot perform the overtime, the Supervisor will offer the overtime to a suitably qualified person who is available to perform the overtime work.

Employees are responsible for turning in their overtime hours to the timekeeper in their department within the same pay period of the overtime being worked.

Each day, the time the employee works must be recorded on a time record. The employee's Supervisor must approve his/her hours worked at the end of each pay period. Additionally, time records with overtime must be countersigned by the Supervisor and must be in HR by 10:00 a.m. the Monday preceding payday in order for an employee's pay to be processed for payday. Any overtime that has not been recorded on the time sheet will be paid the following pay period.

Calculating Overtime Pay

Hours worked plus approved holidays; excused absences, jury duty and job related subpoenas equal forty (40) hours. Vacation, sick leave and/or compensatory time are not used in calculating the forty (40) hours of work or in calculating overtime compensation for hours in excess of forty (40) hours, one hundred seventy one (171) hours or two hundred twelve (212) hours for the appropriate pay cycle.

Employees are expected to comply with requests to work overtime if:

- The Town's business requires overtime work;
- The request to work overtime is reasonable;
- The employee has no compelling reason not to comply with a request to work overtime; and/or
- An emergency situation exists within the service area which supersedes other considerations.

NOTE: Exceptions to the overtime calculation components may be granted at the discretion of the City Manager.

TIME RECORDS

The attendance of all employees is recorded daily by each department and is submitted to the HR Department biweekly on the payroll sheets.

Each Department Head is responsible for ensuring that all time is properly reported on the payroll sheet.

Lunchtime is one hour unless otherwise indicated in the space provided on the time register (subject to Supervisory approval on a daily basis).

If authorized by their immediate Supervisor or Department Head, employees may take two (2) 15-minute rest periods "breaks" each workday. Such breaks shall be considered a privilege and not a right and will never interfere with proper performance of the work responsibilities or work schedule of each department.

LONGEVITY PAY

Longevity pay is provided to encourage retention of employees by recognizing the value of long-term service with the Town. Once an employee has completed one full year of continuous service, all regular, full time employees will be eligible to accrue or receive longevity pay. Part time, temporary/seasonal and contract employees are not eligible to accrue or receive longevity pay.

Accrual

Accrual of longevity pay will begin after one (1) years of continuous employment. At the end of one (1) full year of service, eligible employees will receive five dollars ($5.00) per month longevity pay. There are no limits regarding a maximum accrual amount of longevity pay that an employee can receive during his/her length of employment.

Longevity pay for all eligible employees will be calculated on all months of service, regardless of any breaks in service (long term disability, worker's compensation, etc.).

If employment is terminated and the employee is rehired, past service credit will not be given to the employee for the purpose of determining eligibility of longevity payment, unless the employee is rehired within one year of leaving the employment with the Town of Pantego in good standing. Longevity pay accruals will commence beginning in November of each year.

Pay-outs

Employees who are eligible for longevity pay will receive a lump sum payment during the month of December for the total amount due each year.

COMPENSATORY TIME

The Fair Labor Standards Act (FLSA) permits public sector employers to give non-exempt employees compensatory time (comp time) off in lieu of monetary overtime compensation. Comp time will be given at a rate of at least one-and-one-half hours for each hour of employment for which overtime compensation is required. Under the FLSA compensatory time will be granted only if it is mutually agreed upon by the Town and the employee.

In order to receive compensatory time at time and one half, the employee must be present on all scheduled workdays within the workweek. Compensatory time is to be recorded on the timesheet in the "Comp Time Earned" column.

IV. TIME OFF

VACATION

Time away from work to relax and pursue special interests is important to everyone. All full-time employees are eligible for paid vacation after six months of employment. Vacation leave will begin to accrue at the start of employment, but employees must complete six months of service before becoming eligible to use accrued vacation benefits. Every employee is encouraged to properly request and use accrued vacation leave during the year, according to the following schedule:

Employees will continue to accrue vacation benefit hours when out on Workers' Compensation.

Employees will not accrue vacation leave while out on long term disability or during an unpaid leave of absence. Based upon department needs, the Town of Pantego will attempt to grant an employee the vacation dates he/she requests.

Vacation Accruals

All Employees except Firefighters

Length of Service	Time Accrued Per Pay Period	Time Accrued Per Year
Fewer than 5 years	3.08 hrs/pay period	80 hrs/year 2 weeks
5 years but fewer than 10 years	3.69 hrs/pay period	96 hrs/year 12 days
More than 10 but fewer than 20	4.62 hrs/pay period	120 hrs/year 3 weeks
More than 20 years	6.15 hrs/pay period	160 hrs/year 4 weeks

Fire Personnel

Length of Service	Time Accrued Per pay period	Time Accrued Per Year
Fewer than 5 years	4.67 hrs/pay period	~120 hrs/year 5 shifts
5 years but fewer than 10 years	5.59 hrs/pay period	~144 hrs/year 6 shifts
More than 10 but fewer than 20	7.00 hrs/pay period	~180 hrs/year 7.5 shifts
More than 20 years	9.32 hrs/pay period	~240 hrs/year 10 shifts

When a Town holiday falls during a scheduled vacation, it is not counted as a vacation day. Any employee that becomes ill during a scheduled vacation cannot change a vacation day to a sick day. Scheduled vacation days count as vacation even if an employee would ordinarily take a sick day.

Accumulation Rights

Vacation time may not be carried over and accumulated in subsequent fiscal years more than 240 hours for Regular Employees and 364 hours for Fire Personnel.

It is the employee's responsibility to monitor his/her vacation accruals. All accruals are listed on the employee's paycheck stub.

Scheduling

Department Heads and Supervisors shall schedule vacation leave giving due consideration to the needs of the department and the ability of the remaining employees to perform the required work. Employees shall take vacation leave or be required to take vacation leave at such time, in the judgment of the Department Head or Supervisor, as will best serve the interests of the organization.

It is requested that employees give their Supervisor or Department Head the maximum notice possible. A minimum of three (3) day's notice is required in order to request a day off.

Miscellaneous Provisions

Vacation leave is not transferable between employees. Advance vacation leave is only authorized with the approval of the City Manager. Official holidays occurring during a vacation shall not be charged to vacation leave. Vacation leave may be taken in hourly increments. Usage of increments of less than one hour is not permitted.

Benefit Pay-out upon Termination of Employment

Cash payment for unused vacation leave will be made upon termination, retirement, or the death of the employee.

HOLIDAYS

All regular, full-time employees are eligible for holiday pay beginning with their first day of employment.

We schedule all national holidays on the day designated by common business practice. Employees who are required to work as part of their regular schedule will receive one hour of holiday pay for each hour worked, not in excess of 8 hours or overtime work.

All full-time employees (including those in initial employment period) are eligible for 11 paid holidays per year as follows:

Date	Name of Holiday
January 1	New Year's Day
3rd Monday in February	President's Day
Friday before Easter	Good Friday
Last Monday in May	Memorial Day
July 4th	Independence Day
First Monday in September	Labor Day
September 11th	9-11 (firefighters only)
Fourth Thursday in November	Thanksgiving Day
Fourth Friday in November	Day after Thanksgiving
December 24th	Christmas Eve Day
December 25th	Christmas Day
Floating Holiday	All Town employees except firefighters

**In accordance with Texas State law (Texas Government Code Section 142.0013(c)), "Firefighters shall be granted the same number of vacation days and holidays, or days in lieu of vacation days or holidays, granted to other municipal employees, at least one of which shall be designated as September 11th.

If a holiday falls on a Saturday, the preceding Friday will be observed. If a holiday falls on a Sunday, the following Monday will be observed.

When an official holiday occurs on a scheduled work day, employees are entitled to the holiday and will receive pay for the number of hours normally worked provided they work the days preceding and following the holiday or have their absence approved by their Supervisor. A holiday that falls within an employee's vacation period will not be counted as a day of vacation.

Employees will not be eligible for a Floating Holiday until after they have completed their introductory period. The Floating Holiday is based on the calendar year and must be taken during the relevant holiday year and may not be carried over to the following year. Any holiday pay for holiday entitlement not taken in the relevant holiday year will be forfeited.

Employees absent without permission, or without making advance arrangements or on disciplinary suspension on the working day immediately preceding or following a holiday shall lose pay for the holiday, in addition to being subject to disciplinary action, up to and including termination. Absent without permission or without making advanced arrangements will not include calling in sick, so long as the notification of use of sick leave complies with the requirements of this and other Town policies. Multiple episodes of calling in sick prior to or following a holiday may be considered as an abuse of sick time. In this instance a doctor's note may be requested. Once confirmed, the employee would be eligible to receive pay for the sick day and the holiday. Employees who have voluntarily terminated their employment and their last day of employment is the working day proceeding a holiday will not receive holiday pay.

Employees desiring to observe religious holidays that do not coincide with official holidays may be given time off without pay or authorized to use accrued vacation leave, sick leave or compensatory time, with approval of his/her Supervisor so long as it does not unreasonably interfere with the job. You must notify your manager at least 10 business days in advance.

BEREAVEMENT/EMERGENCY LEAVE

The Town of Pantego recognizes that there are situations in employees' lives that require time off for certain family events beyond sickness and vacation. To accommodate these situations without requiring an employee to initially use other accrued time off options, bereavement and emergency leave will be granted.

The Town of Pantego realizes that a death in an employee's immediate family is a time of sorrow. In order to assure continued earning power during this time the Town provides bereavement leave, without the loss of pay, in the case of a death of an immediate family member. In addition, emergency leave will be granted to an employee for the purpose of a birth or adoption of an employee's child (children).

General Provisions

- Bereavement/Emergency Leave may be granted to non 24-hour shift employees up to a maximum of three (3) consecutive working days per occurrence; and 24-hour shift employees may be granted up to a maximum of thirty-six (36) hours per occurrence.
- Compensation is based on the employee's regular rate of pay and normal workdays.
- Compensation is limited to three consecutive working days or 36 hours for fire shift personnel. One of these days must be the day of the funeral if using bereavement time.
- Payment of compensation will be made only for the days/hours lost that the employee would have worked and does not include days off or time during an employee's vacation leave.

- Additional requested paid time off would require the use of accrued holiday, compensatory, or vacation time. If the employee has no additional accrued time available, a Supervisor may approve time off without pay depending on departmental needs.
- Upon returning to work after Bereavement Leave, an employee must record the absence as Bereavement Leave on the official time record. Proof of death and relationship to the deceased may be required. Generally, a death notice or obituary from a newspaper suffices for this record- keeping requirement.

Employee Responsibilities

Employees are responsible for personally notifying their Supervisor of their absence in accordance with established departmental guidelines.

PERSONAL LEAVE

Full-time non exempt employees are eligible to receive three days (24 hours) of paid personal leave during each calendar year after the completion of their 90-day Introductory Period. Employees may use personal leave in units of no less than two hours at anyone time. Personal leave is intended to be used to accomplish personal business that cannot be accomplished during normal working hours such as registering a vehicle, paying taxes, consulting with an attorney or real estate transactions. Employee shall request personal leave from your Supervisor in advance.

Personal leave may not be carried or accumulated from year to year nor is unpaid personal leave paid for upon an employee's retirement or termination.

JURY DUTY/COMPLIANCE WITH A SUBPOENA

Employees who are required by law to render jury service, or who comply with a valid job related subpoena to appear in a civil, criminal, legislative or administrative proceeding, will be compensated their regular salary provided this occurs during the employee's normally scheduled work time. These absences will not count against an employee for the purposes of calculating overtime during normally scheduled work time.

In the event that the employee is required to comply with a job related subpoena on a non-scheduled work day, the employee will receive a minimum of two (2) hours of compensation calculated at the employee's regular (straight time) rate or 1.333 hours of compensation calculated at the employee's overtime (time and one half) rate. Employees will receive the overtime rate provided that they meet all applicable criteria for overtime payment under the Fair Labor Standards Act (FLSA). If actual time worked exceeds the minimum times listed, the employee will receive payment for actual time worked at the applicable rate.

Employees on jury duty are expected to contact their Supervisor (to see if they should report back to work) in the event that they are excused from jury duty or dismissed early by the Court. Individuals complying with a valid non-job related subpoena will be required to use accrued leave time (vacation or compensatory) if compensation is desired for the time the employee is away from work. Accordingly, use of accrued leave will count against an employee for the purposes of calculating overtime.

The employee may retain any payment for jury duty received by the employee.

Implementation

Employees must notify their Supervisor no fewer than three (3) working days prior to the first day of absence for service. Employees must give the Supervisor a written statement from the appropriate court official indicating the date and time for such service. This is necessary to meet payroll record keeping requirements. A copy of the jury summons or subpoena will suffice for this purpose. Copies of the notice to serve jury duty or job related subpoena should be forwarded to HR as part of the employee's personnel file.

MILITARY LEAVE

The Town of Pantego is committed to fulfilling its obligation under state and federal law and to demonstrating its support of national and regional security efforts by providing Military Leave as specified by this policy. The Town also acknowledges that time spent by employees on Military Leave is often relevant or complimentary to their workplace responsibilities and that the skills, leadership, discipline and teamwork experience that employees acquire during military service can prove valuable on the job. This policy is intended to allow employees to fulfill their military obligations and to help mitigate any undue financial hardship.

MILITARY RESERVE/GUARD LEAVE

A regular employee, who is a member of the National Guard or reserves of the United States armed forces shall, upon notification to the Department Head and submission of appropriate documentation, be granted leave for a period required to perform active duty for training. Temporary employees who have brief or non-recurrent positions with the Town and who have no reasonable expectation that their employment with the Town will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

In accordance with § 431.005, Texas Government Code, a regular employee engaged in authorized military training or duties will receive pay and accrue benefits as if the employee were on the job, for up to 15 workdays (three calendar weeks) in any one year. This leave may be used when an employee is engaged in National Guard or U.S. Armed Forces Reserve Training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

An employee eligible for military leave who is ordered or authorized to participate in training or other duty for more than 15 work days in calendar year will be placed on leave without pay for any time in excess of 15 work days or the employee may use any accrued vacation, holiday, personal or compensatory time. If using accrued pay, shift employees will be transitioned to a 40 hour workweek during military absences for training that are 15 days or longer.

An employee shall give as much advance notice as possible to the Town of Pantego regarding dates for military training leave. Annual or quarterly training schedules should be given to the appropriate department representative, using the appropriate department protocol, as the schedules become available to the employee.

MILITARY ACTIVE DUTY LEAVE

A regular employee, who leaves a position with the Town for the purpose of entering any branch of the United States armed forces for extended active duty or the National Guard, shall be placed in military active duty status and granted a leave of absence.

The employee should give the Town of Pantego advance notice of the employee's intent and, for reemployment purposes, submit a copy of the orders for inclusion in the employee's personnel record. Absent unusual circumstances, such notice must be given to the Town, no later than 24 hours. The employee should contact the appropriate department representative, using the appropriate department protocol, after the employee receives the military orders. Temporary employees who have brief or non-recurrent positions with the Town and who have no reasonable expectation that their employment with the Town will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

In accordance with § 4312, Title 38, United States Code, an employee may serve a total of five (5) years on active duty in the armed forces or the National Guard, (six (6) years for Navy Nuclear Program) and still be eligible for reemployment. An employee's right to reemployment is not protected for periods of military active duty longer than five (5) years (six (6) years for Navy Nuclear Program).

A full time employee who returns from active duty is entitled to reemployment in the same position held upon entrance to active duty, or in a position of comparable status and pay, if the employee:

- is physically and mentally qualified to perform the essential functions of the position. The Town will require all employees returning from active duty to undergo a Fit For Duty physical at the Town's expense prior to returning to work;
- was discharged, separated, or released from military active duty under honorable or general conditions;
- has not been on military active duty leave for more than five (5) years (six (6) years for Navy Nuclear Program); and
- submits a written application for reappointment after discharge, separation, or release from military active duty and presents evidence of the discharge, separation, or release from military active duty, according to the following time lines defined by the Uniformed Services Employment and Re- employment Rights Act (USERRA) 38U.S.C. §430l through 4333:

Fewer than 31 days Active Duty - The employee must report to work at the next regular scheduled work period after a reasonable time to return home safely and an 8-hour rest period.

Between 32 to 181 days Active Duty - The employee must submit a written application within 14 days of release of service.

More than 181 days Active Duty - The employee must submit a written application within 90 days of release of service.

PARTIAL MILITARY PAY AND BENEFITS

A regular employee called to active duty in a reserve component of the armed forces will be granted leave and employee benefits in the following manner.

1. **Use of other Paid Leave** - In order to receive military partial pay, an employee will be required to use all leave time that is currently available to that employee. For the purpose of this policy, all leave time includes any accrued holiday, vacation, personal or compensatory time. Once an employee uses all available leave, the employee will be eligible for salary continuation for a period of time not to exceed one year of combined use of leave time and military partial pay. The leave must be taken in amounts consistent with the employee's regular work schedule with the Town. For example, if the employee was regularly scheduled to work forty (40) hours per week for the Town, the leave must be used at a rate of forty (40) hours per week. An employee is not compelled or required to utilize any of those accrued leave balances, and those leave balances will remain intact until the employee is released from military duty and is reinstated to Town employment. If the employee elects not to use the accrued leave balances, that employee will not be eligible for partial military pay.

2. **Military Partial Pay** - An employee will receive military partial pay for up to one year of combined use of leave time and military partial pay beginning the first day on active military duty. An employee will be eligible for military partial pay only if the total monthly military salary is less than the total monthly Town salary. If the total monthly military salary is greater than the employee's total monthly Town salary, the employee will not be eligible for military partial pay. The employee must provide the Town with an official documentation that substantiates the amount of military pay the employee will receive. Additionally, the employee must inform his/her Supervisor of any changes in the employee's military pay while receiving Military Partial Pay from the Town. Important: Employees who meet these requirements are eligible for Military Partial Pay benefits up to such time that the Town Council, in its sole discretion, due to budgetary and/or financial constraints, amends or discontinues this benefit.

3. **Insurance Benefits** - The employee will not have coverage through the Town's carrier while deployed to Active Duty status. In this circumstance, the employee and his/her dependants will be eligible for medical and dental coverage through the military or the employee may elect to continue health and dental coverage

through COBRA. COBRA coverage may be obtained for a maximum of twenty four (24) months at a cost to the employee of not more than 102% of the full premium under the Town's plan.

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

4. **Other Benefits** - While receiving partial military leave pay; employees will continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave, benefit leave accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service. The employee will be responsible for stopping all voluntary deductions or make arrangements for those deductions to be paid prior to the employee being placed on military leave of absence.
   Important Information for the Employee - People called to active duty military service are entitled to some types of civil relief, such as the ability to break leases and limits on loan interest, under the Soldiers' and Sailors' Civil Relief Act (SSCRA). This act does not affect employment or reemployment. Members of the Armed Services should seek private or military assistance to determine if they are eligible for civil relief under SSCRA.

5. **Garnishments** - While an employee is on partial paid military leave, the Town will continue to withhold any court ordered garnishments from the employee's paycheck. If the employee goes out on an unpaid military leave of absence, and Town issued paychecks cease, it is the employee's responsibility to notify the appropriate court ordered agency of deployment and to make alternative arrangements for payment.

TIME OFF TO VOTE

The Town recognizes that employees have civic responsibilities and encourages them to fulfill their civic duty by participating in local, state and national elections. Generally, employees are able to find time to vote either before or after their regular work schedule. In accordance with Texas state law, in those cases where employees are unable to vote because the polls are not open for at least two consecutive hours outside of normal working hours, the Town will grant up to two (2) consecutive hours of paid time off to vote. This will also include any time off to participate in early voting.

Employees requiring time off to vote should request the time off from a Supervisor at least two working days prior to Election Day or the day that the employee will vote early. Advance notice is required so that the necessary time off may be scheduled at a time that it is least disruptive to the normal work schedule.

Employees may be required to submit a voter's registration card on the first day following the election or submit another form of documentation to verify approved time off.

SICK LEAVE

The Town of Pantego shall provide sick leave as a benefit to cover the illnesses or injury of the employees or their dependents during the employee's absence from work during the regularly scheduled workweek. Other reasons sick leave may be granted are:

- The birth of a child
- The adoption of a child or the placement of a child for foster care
- Caring for a seriously ill spouse, child or parent
- A serious condition that disables the employee
- A medical, dental, or optical examination, office visits, or treatment
- To attend a bona fide counseling session by a qualified counselor

All regular full time employees will be eligible to accrue sick leave. Eligible employees should not use any accrued sick leave during their first three (3) months of employment. Under no circumstance will sick leave be advanced to any employee or paid out upon termination. Part time, seasonal and temporary employees are not eligible to accrue sick leave.

Accruals

Regular Full Time Employees (Non 24-hour shift)

Regular full time employees (non 24-hour shift) will accrue 3.69 hours of sick leave per pay period or 8 hours per month of employment for a total of 12 days credit for each year of employment.

Employees will not accrue sick leave benefits while out on long-term disability or unpaid leaves of absences. Employees will continue to accrue sick leave while out on Workers' Compensation.

Twenty-four Hour Shift Employees (Fire Operations personnel)

Employees working on a 24-hour shift will accrue 5.16 hours per pay period or a total of 134 hours for each year of employment.

Employees will not accrue sick leave benefits while out on short/long term disability or unpaid leaves of absences. Employees will continue to accrue sick leave while out on Workers' Compensation.

Notifications

To receive paid sick leave, an employee shall notify the Supervisor or authorized representative as established by departmental guidelines. If no departmental guidelines exist, the employee should provide notification before or within 30 minutes after the designated starting time for which the employee commences work. Only if the employee is physically unable to make a phone call will it be acceptable for someone else to place the call to the employee's Supervisor.

It is the employee's responsibilities to contact his/her Supervisor daily if absent for more than one day. Exceptions would be hospitalization, a prolonged or catastrophic illness. In these instances, the employee may be required to make periodic update calls to keep his/her Supervisor informed of the employee's return to work status.

Conditions for Use

All employees except those on 24-hour shifts may use sick leave in intervals of one (1) hour with one (1) hour being the minimum. Employees on a 24-hour shift may use sick leave in intervals of four (4) hours. Official holidays and regular days off shall not count against sick leave.

Employees may use sick time to care for immediate family members who become ill. An immediate family member is a spouse, child or parent. A physician's statement can be required in such instances.

Supervisors may require satisfactory proof of illness or of the need for caring for a family member and may disallow any sick leave in the absence of such documentation.

After accumulated sick leave has been exhausted, employees may use authorized vacation time. When absence due to illness exceeds the amount of paid leave earned and authorized, the employee may be eligible for personal leave without pay or disability. Employees who become disabled must meet the provisions of the disability insurance guidelines. Consult HR for information regarding disability. Employees who qualify for a leave of absence without pay must comply with all the provisions of the leave of absence without pay policy. In these instances, it is the employee's responsibility to provide a doctor's prognosis and an estimated return date so that the Town can determine whether the position can be left open or filled temporarily based on the following criteria:

- Length of leave requested
- Workload requirements
- Employee's past work record
- Employee's ability to perform in same position upon return

Once an employee has exhausted all leave options, employment will be terminated, and if eligible, the employee may utilize his/her disability benefit(s).

Accrued sick leave may not be used in conjunction with workers' compensation benefits.

Misuse of Sick Leave

A Supervisor may at any time require satisfactory proof of the proper use of sick leave and may disallow sick leave in the absence of such proof. An employee who misuses sick leave should be counseled and will be subject to disciplinary action, up to and including termination.

An employee may be required to furnish a Supervisor with a physician's statement regarding the health status and fitness for duty requirements if one of the following occurs:

- Absence of three (3) or more consecutive days
- Hospitalization
- Exhibited pattern of excessive misuse (e.g. reoccurring use of sick leave in conjunction with a holiday or regularly scheduled days off)

Shift Employees in the fire service who are scheduled to work 24-hour shifts may be required to furnish a Supervisor with a physician's statement regarding the health status and fitness for duty requirements if one of the following occurs:

- Absence of two or more consecutive scheduled work shifts
- Exhibited pattern of excessive misuse (as defined above)
- Hospitalization

Employees utilizing sick leave benefits are expected to restrict their activities away from their residence, medical facility or other location directly requiring their presence to only those activities necessary and appropriate to deal with the given situation.

In the event of frequent claiming of sick leave benefits or evidence of malingering or excessive misuse exists, the Town may require the employee to have a fit for duty physical to ensure the employee is able to safely perform the essential job functions as outlined in the job description. All fit for duty physicals requested by the Town under these circumstances will be conducted by the Town's medical services provider and will be at the Town's expense.

DONATION OF SICK LEAVE

The purpose of this policy is to establish guidelines for donation of sick leave from one employee to another employee. An employee, who is unable to work in any capacity due to long-term illness, non-job related injuries, temporary disabilities, and/or illness may use sick leave donations. Sick leave donations may also be used to provide medical care or assistance to eligible family members when the affected employee has insufficient paid leave for the entire period.

All regular full time employees are covered by this policy. This policy does not apply to temporary, seasonal or part- time employees.

Employees can voluntarily donate sick leave to other employees who have a serious health condition in order to assist them during their time of need.

Eligibility

All full-time, regular employees who have a minimum of 160 hours accrued as a sick leave balance are eligible to contribute anything above and beyond 160 hours to another employee. All full-time employees who do not have 160 hours of sick leave accrual, as well as part-time, seasonal, and/or temporary employees are ineligible to donate to another employee. Firefighters on 24-hr. shifts who have a minimum of 280 hours accrued as a sick leave balance are eligible to contribute anything above and beyond 160 hours to another employee. Firefighters (on 24-hr. shift) who do not have 280 hours of sick leave accrual are ineligible to contribute to another employee.

Procedures for Donations of Sick Leave

Donation of sick leave hours is voluntary. All eligible interested employees may voluntarily donate sick leave to another employee at any time by notifying the HR Department.

All donations must be made in eight (8) hour increments. The minimum amount that can be donated is eight hours. There is no cap on the number of hours an employee can donate, as long as the donating employee does not deplete his/her sick time down to fewer than 160 hours at any given time (280 hours for 24-hr. shift firefighters).

Donation of sick leave will be for a specific request. Contributions are non-refundable.

Those employees who donate sick leave will not be penalized as "sick leave used" in their performance evaluations.

Donated Sick Leave Request Procedures

All regular full time employees are eligible to receive donations to their sick leave balances after they have successfully completed their six-month "initial six month orientation period" and after they have depleted all unused time (sick, comp or vacation) of their own.

The employee must first request leave to their Department Head or Supervisor. The employee's Department Head must approve the leave. The Department Head may request confirmation from the employee or the employee's physician that a serious health condition exists and may verify the length of time that the employee will be off from work.

Employees may request donations in eight (8) hour increments only, not to exceed 80 hours per each request. Firefighters (on 24-hr. shift) may request donations in 12 hr. increments only not exceed 106 hours per each request.

The Department Head will send the request to the HR Department within 24 hours. HR will determine if the employee requesting time meets all of the criteria and will be responsible for ensuring that donated sick leave is credited to the appropriate employees account.

The maximum amount of donated sick leave that an employee can receive in a calendar year is 240 hours (360 hours for 24-hr. shift firefighters) or six weeks whichever is greater. Donations of sick leave will not be made when an employee is receiving workers compensation benefits or is on long-term or short-term disability. Donated sick leave is available in hours only and has no monetary value. Any excess donated sick leave will remain in the receiving employee's sick leave balance and can be used for other sick leave absences, such as follow-up visits to the doctor; however, in accordance with this policy, employees will not be paid for unused, donated sick leave upon termination.

Absences using donated sick leave may not be used to extend employment beyond the maximum time any employee may be absent from the workplace.

Sick Leave Donation Form

Instructions: Please complete this form and send it to the Human Resource Department (attn: HR Coordinator). Thank you for helping a fellow employee.

Employee Name (Donor):_____

Department:_____

Social Security Number:_____

I, _____voluntarily donate _____ hours of my accrued sick leave to _____has a serious health condition.

I understand that I am freely donating this leave and give up all rights to the use of this leave in time off.

_____ _____

Employee Signature **Date**

.

Sick Leave Donation Request

Employee Name: _____

Department/Division: _____

Social Security Number: _____

I verify that I have a serious health condition (as defined in the Sick Leave Policy) that requires an absence of more than eight (8) hours. Please explain:

I have exhausted all of my available leave (sick, vacation or comp) balances. I understand that any sick leave donated to me by other employees has no monetary value to me, and I will not be paid for any unused donated sick leave if employment is terminated for any reason. I agree to all other provisions in the Town's Sick Leave Donation Policy.

_____ _____

Employee Signature **Date**

_____

Printed Name

_____ _____

Approved: Department Head **Date**

_____ _____

Received: HR Manager **Date**

ADMINISTRATIVE OR SPECIAL LEAVE

The Department Head may grant leave with pay, travel and expense allowances so employees may attend professional conferences, conventions or short school sessions designed to improve efficiency. Employees will properly complete an expense allowance form as prescribed by the Town. Time spent attending conferences, conventions or school will be counted as "time worked" for the purposes of calculating overtime. Travel to and from an event will not be counted as "time worked" for the purposes of calculating overtime.

LEAVE OF ABSENCE WITHOUT PAY

Should a situation arise that temporarily prevents an employee from working he/she may be eligible for a leave of absence without pay. A leave of absence without pay may be granted upon written request at the discretion of a Department Head to full-time employees for a period not to exceed thirty (30) working days.

Any leave of absence without pay must be submitted in writing as far in advance as possible and will be reviewed on a case-by-case basis by the employee's Department Head and the HR Department. The decision to approve or disapprove is based on:

- The circumstances
- The length of time requested
- The employee's job performance and attendance and punctuality record
- The reason for the leave
- The effect the employee's absence will have on the work in the department
- The expectation that the employee will return to work when the leave expires

A leave of absence without pay will only be considered when an employee has exhausted all other available leave options such as vacation time, comp time holiday, sick time and personal time.

Employees taking a leave of absence without pay will not accrue any benefits, holidays or longevity pay while they are out. They will be placed on an "inactive status" and will be offered the opportunity to continue insurance coverage through COBRA. Employees on a leave of absence without pay will be responsible for all personal and dependent insurance premiums and/or all other payroll deductions while on leave.

A full-time employee who is unable to perform regular employment duties as specified by a physician due to illness or non-job related injury may be granted a leave of absence for the purpose of continuing medical treatment or recovery. A leave of absence for medical reasons must be certified by a doctor's statement.

Full-time employees may be granted a leave of absence for military, educational, or other legitimate purpose consistent with Town practices, operational requirements, and government regulations.

It is the responsibility of the employee to inform the department of the employee's intention to return to work.

The Department Head upon evidence that the cause for sick leave is misrepresented or has ceased to exist may revoke a leave of absence without pay for illness.

Continuing Benefit Plan Coverage

The employee remains covered under the Group Term Life Insurance Program. Unemployment Insurance benefits cannot be collected while on a leave of absence without pay. Employees are responsible for paying their health and dental insurance premiums and all dependent insurance premiums while out on a leave of absence without pay.

Salary Action

The length of the leave will defer any planned salary increase for an employee returning from an unpaid leave of absence without pay.

Vacation Time

Unused vacation days must be used before an unpaid leave of absence without pay will be granted.

Performance Appraisal

The length of the leave will extend the normal performance appraisal date of an employee on an unpaid leave of absence without pay. Merit increases may be delayed for time equal to the length of time of the leave of absence.

Returning/Not Returning from a Leave

Due to the nature of our business, the Town of Pantego cannot guarantee either that an employee's job will remain available or that a comparable position will exist when return from an unpaid leave is sought. When an employee is ready to return from a leave of absence without pay, the Town of Pantego will make reasonable efforts to reinstate the employee to his/her former position or to one with similar responsibilities.

Extending a Leave of Absence without Pay

A leave of absence of more than thirty days must be approved by the City Manager.

An extension of a leave of absence for the same purpose as the leave was originally granted requires approval by the City Manager. A request for extension must be submitted in writing at least two calendar weeks prior to the effective day of the end of the original leave.

A leave of absence, including any extension, may not exceed one (1) year. Provided, however, that a military leave of absence will be allowed for the period required for the employee to perform active or inactive duty or training. Leave of absence is leave without pay. This policy will be administered consistent with the Town's obligations under the Americans with Disabilities Act (ADA) including considering extending leave as a reasonable accommodation.

During an extended leave of absence without pay (longer than 30 days), service credit for all employment privileges and benefits will discontinue while an employee is on an extended leave of absence except where otherwise provided by federal or state law. Health expense coverage must be continued during the extended leave of absence at the employee's sole expense; and the employee should contact the HR Department to assure continuation of such coverage.

UNAUTHORIZED ABSENCE WITHOUT PAY

Unauthorized absence or failure to return at the expiration of a leave of absence will be considered as job abandonment. The Department Head may rescind this action if the employee shows satisfactory reason for his/her failure to return to work within three (3) days of the date that the action became effective.

MATERNITY LEAVE

In accordance with the Pregnancy Discrimination Act, Title VII of the Civil Rights Act of 1964 and Title VII and Chapter 21 of the Texas Labor Code, it is unlawful to discriminate on the basis of pregnancy, childbirth or related medical conditions. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

An employee who is pregnant should notify her Supervisor as soon as possible. A pregnant employee may continue to work until such time that her physician deems it inappropriate.

Accumulated sick leave and disability insurance will be applied towards medical/maternity leave. Donated sick hours as outlined in the donation of sick time policy may be applied to medical leave as well, provided the

pregnancy meets the requirements outlined in the policy. Vacation time, personal days, compensatory time and banked holidays may also be used during maternity leave.

Maternity leave does not affect an employee's rate of pay, position, or entitlement to other benefits, nor does it constitute a break in service for the purposes of computing longevity pay. An employee on a maternity leave will continue to accrue vacation and sick leave at the employee's regular rate of pay.

An employee who is on a maternity leave must be certified by a doctor's statement indicating length of time away from work needed for the maternity leave. In all cases, an employee is allowed six (6) weeks off for a vaginal delivery and eight (8) weeks off for a C-Section.

If an employee fails to return to work at the time agreed upon, the employee will be considered to be on unauthorized leave and may be subject to disciplinary action.

It is the responsibility of the employee to inform of their intention to return to work.

V. EMPLOYEE BENEFITS

The Town has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement.

The Town of Pantego reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. Further, the Town reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

Please note that nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Town and its employees, retirees or their dependents, for benefits or for any other purpose. Your rights, benefits and obligations can be determined only by referring to the full text of the official plan documents that are given to each employee upon enrollment in any benefit plan. Copies are also available for your examination in the HR Department. To the extent that any of the information contained in this Handbook is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

HEALTH INSURANCE

Comprehensive medical benefits are provided for all eligible full-time employees at the Town's expense. The group policy may cover such items as hospitalization, surgery, other hospital expenses, physician fees, and major medical. Refer to your medical insurance plan summary for specific details of the available plans and provisions. Comprehensive medical benefits are also available for eligible dependents of employees. Employee contribution is required for dependent insurance coverage and to “buy up” less restrictive employee health coverage plans and such deductions are payroll deductions.

Eligibility

All full time regular employees and their dependents are eligible for health insurance on the first of the month following 30 days of employment. Employees will enroll in a health insurance plan during their new hire orientation with HR.

Enrollment/Changes to Coverage

The Town will have an “open enrollment” period for health insurance once a year. Open enrollment is the only time that an employee may add coverage for him/herself, change plans, or add or drop dependents without a “qualifying event”.

A “qualifying event” is a marriage, divorce, birth, adoption or death or loss of health insurance coverage. If a “qualifying event” occurs, changes in coverage may be made at any time during the year. Changes under the “qualifying event” rule, by law, must be made within 30 calendar days of the “qualifying event”. After 30 days, no changes can be made until the open enrollment period.

Dependent Information

Children are covered under the plans until the age of 25. Insurance companies will automatically drop dependents once they reach the age of 25. The employee will need to notify HR when the dependent reaches age 25 so that HR can make any necessary adjustments to the premiums that the employee is paying for dependent health insurance.

Spouses that are legally married to the employee are eligible for dependent coverage. The Town does not recognize “Common Law” marriages under the definition of a spouse.

Termination of Employment/Coverage Continuation Options

If employment is terminated, health coverage will remain intact until the last day of the month. At that time, coverage terminates at midnight on the last day of the month.

Under federal COBRA laws, the Town is required to offer covered employees and their covered dependents the opportunity for a temporary extension of health coverage. This extension is at group rates and when coverage under the health plan would otherwise end due to certain qualifying events. When this occurs, qualified beneficiaries will have 60 days from the date of notification to elect continuation of coverage. If a qualified beneficiary does not elect continuation of coverage within the 60-day election period, then rights to continue health insurance will end. If a qualified beneficiary elects COBRA, he/she will be required to pay the entire cost of the health insurance, plus a 2% administration fee to the Town of Pantego by the first of each month. If payments are not made by the first of each month a thirty (30) day “grace period” will be granted. If payment is not received after the “grace period”, coverage will be cancelled and will not be reinstated.

DENTAL INSURANCE

Comprehensive dental benefits are provided for all eligible full-time employees at the Town's expense. Refer to your Dental Insurance plan summary for specific details of the plan. Comprehensive dental benefits are also available for eligible dependents of employees. Employee contribution is required for dependent insurance coverage and such deductions are payroll deductions.

Eligibility

All full time regular employees and their dependents are eligible for dental insurance on the first of the month following 30 days of employment. Employees will enroll in the dental insurance plan during their new hire orientation with HR. If an employee does not elect coverage, no cash payment by the Town will be made in lieu of the employee opting out of coverage.

Enrollment/Changes in Coverage

The Town will have an “open enrollment” period for dental insurance once a year. Open enrollment is the only time that an employee may add coverage for him/herself, change plans, or add or drop dependents without a “qualifying event”.

A “qualifying event” is a marriage, divorce, birth, adoption or death or loss of health insurance coverage. If a “qualifying event” occurs, changes in coverage may be made at any time during the year. Changes under the “qualifying event” rule, by law, must be made within 30 calendar days of the “qualifying event”. After 30 days, no changes can be made until the open enrollment period.

Dependent Information

Children are covered under the plans until the age of 25. Insurance companies will automatically drop dependents once they reach the age of 25. The employee will need to notify HR when the dependent reaches age 25 so that HR can make any necessary adjustments to the premiums that the employee is paying for dependent health insurance.

Spouses that are legally married to the employee are eligible for dependent coverage. The Town does not recognize “Common Law” marriages under the definition of a spouse.

Termination of Employment/Coverage Continuation Options

If employment is terminated, health coverage will remain intact until the last day of the month. At that time, coverage terminates at midnight on the last day of the month.

Under federal COBRA laws, the Town is required to offer covered employees and their covered dependents the opportunity for a temporary extension of dental coverage. This extension is at group rates and when coverage under the dental plan would otherwise end due to certain qualifying events. When this occurs, qualified beneficiaries will have 60 days from the date of notification to elect continuation of coverage. If a qualified beneficiary does not elect continuation of coverage within the 60-day election period, then rights to continue dental insurance will end. If a qualified beneficiary elects COBRA, he/she will be required to pay the entire cost of the health insurance, plus a 2% administration fee to the Town of Pantego by the first of each month. If payments are not made by the first of each month a thirty (30) day “grace period” will be granted. If payment is not received after the “grace period”, coverage will be cancelled and will not be reinstated.

GROUP LIFE INSURANCE/ACCIDENTAL DEATH AND DISMEMBERMENT

Group Life Insurance is provided at the Town's expense to all eligible full-time employees. The amount of insurance will be equal to two (2) times the employee's annual salary (on October 1st of each year) up to a maximum of $200,000.

Dependent coverage is available provided the employee pay 100% of the premiums. Refer to your plan document for specific information on your plan.

Eligibility

All full time regular employees are eligible for life insurance and accidental death and dismemberment (AD&D) insurance the first of the month following 30 days of employment. If the employee does not elect to have life and AD&D insurance no cash payment by the Town will be made in lieu of the employee opting out of coverage.

Enrollment/Adding Dependent Coverage

All employees will be enrolled in the group life and AD&D insurance during their new hire orientation with HR. At this time, employees may add dependents to the insurance.

Dependents may be added or deleted during open enrollment, held once a year, by the Town. If an employee wishes to add a dependent during the year (other than open enrollment or during new hire orientation) the dependent must go through a process known as “evidence of insurability”. Evidence of insurability forms are available in HR.

Dependent Information

Children are covered under the plan until the age of 19, unless the dependent is a full time student. Full time students are covered until the age of 25. Insurance companies will automatically drop dependents once they reach the age of 19. Therefore, it is the employee's responsibility to provide HR with the necessary proof that a dependent is a full time student to ensure that dependent coverage remains intact. Additionally, the employee will need to notify HR if the dependent reaches age 19 and is not a full time student so that HR can make any necessary adjustments to the premiums that the employee is paying for dependent life insurance.

Spouses that are legally married to the employee are eligible for dependent coverage. The Town does not recognize "Common Law" marriages under the definition of a spouse

Termination of Employment/Coverage Continuation Options

If employment is terminated, health coverage will remain intact until the last day of the month. At that time, coverage terminates at midnight on the last day of the month.

In the event that the employee wishes to continue the group Life and AD&D insurance, a conversion form must be completed. The employee has 30 days to complete this form and submit it to the insurance company. Employees may obtain this form from the HR Department.

Payments to continue coverage will be sent directly to the insurance company by the employee, after the continuation of coverage form is completed.

WORKERS' COMPENSATION BENEFITS

The Town is covered under statutory state Workers' Compensation laws. In the event that an employee sustains a work- related injury or is exposed to an occupational disease, he/she must notify the appropriate Supervisor, and the Budget/Risk Management Coordinator. If the injury requires medical attention the Budget/Risk Management Coordinator will advise the employee of his/her rights under the Texas Workers' Compensation system.

Provisions

Employees injured in the course and scope of their employment with the Town will be eligible for Workers' Compensation benefits pursuant to the state law. This means that during the injury leave, the Town will pay the employee benefits as prescribed by the Workers' Compensation Act. When an employee is unable to perform the essential job functions of his/her job with or without reasonable accommodations for more than 90 days due to an on-the-job injury, the employee may be eligible for long term disability and the employee's position may be reassigned to a vacant position for which he/she is qualified, if such a position is available at that time.

An injured employee is entitled to medical aid and hospital services that are reasonably required at the time of injury and at any time thereafter as may be necessary to recover. The Town will pay all medical expenses incurred as a result of the occupational injury or occupational disease exposure.

Employees must report the disabling occupational injury or disease in accordance with the Town's accident reporting procedures. This requires that the employee have the Supervisor file an injury report as soon as practicable. However, it should be filed no later than 24 hours following the accident or the first manifestation of an occupational disease unless the accident occurs on a Friday or weekend; in that case the injury must be reported to an immediate Supervisor no later than the following work date.

Employees who fail to report an on-the-job injury within the required time frame may be subjected to disciplinary action up to and including termination.

The employee agrees in writing to release to the Town, or authorized agents thereof, all medical histories, relative to the immediate occupational injury or disease, its diagnosis, and treatment, and the prognosis, as to the duration and degree of disability, if any.

The employee's physician or the employee must notify the employee's Supervisor of the employee's duty status immediately after being examined a physician.

When an employee has been told by an examining physician to report for examination or treatment in connection with an on the job injury, the employee will report as directed. Willful failure of the employee to report as directed will result in the employee loosing eligibility to use workers' compensation benefits associated with 100% wage continuation.

While receiving Workers' Compensation benefits, employees may be eligible for full salary continuation (paid by the Town) or partial reimbursement of lost wages (paid through the Workers' Compensation system) dependent on which treatment option the employee chooses.

The Town will not compensate an injury to an employee off the job; however, the employee may take normal sick leave.

Additional Benefit Information for Police and Fire Employees

In the event that a police or Fire employee is killed in the line of duty, there are additional state and federal benefits available to the deceased employee's family members. A representative from the appropriate department would contact the deceased employee's spouse or legal beneficiary to discuss and coordinate these benefits.

Treatment Options

Under the State of Texas Workers' Compensation laws, employees may receive treatment from a doctor of their choice. However, the Town of Pantego does contract with a medical provider that is capable of providing these services to employees.

There are two treatment options that an employee may choose:

- **Town Medical Provider** - In the event that an employee chooses to use the Town's medical provider for treatment and the employee loses time from work as a result of the injury or exposure, the Town will pay the employee 100% salary continuation. This will begin with the first day that an employee loses time from work. The HR Department can provide employees with information regarding the Town's medical provider.
- **Employee Selected Provider** - In the event that the employee chooses to use a medical provider for treatment other than the Town's medical provider and that employee loses time from work, the employee will be eligible for salary continuation in accordance with the state workers' compensation laws. Under the law, employees are eligible for a portion of their salary (70%) to the maximum allowed by law to be reimbursed beginning with the eighth day after the first day off from work. During the seven-day waiting period an employee may use any accrued benefits (sick leave, vacation leave, compensatory time or holiday time) to compensate for lost wages during this time. If the disability continues for four (4) weeks or more, the initial week of compensation will be paid retroactively.

NOTE: Seasonal/Temporary employees may use either treatment option but will not be eligible for 100% salary continuation from the Town.

Wage Continuation Procedures for On the Job Injuries

For Employees using the Town Medical Provider - Employees who use the Town's Medical Provider for treatment of workers' compensation injury or exposures are eligible for 100% salary continuation beginning with the first day of the accident or exposure. The maximum amount of wage continuation an employee can receive, unless

an extension is approved, is 1040 for regular full time employees, 1404 for 24-hour shift employees and 520 hours for regular part time employees. The 1040 hours, 1404 hours and 520 hours of wage continuation include any later aggravation or relapse. All extensions must be approved by the City Manager and will not exceed 520 additional hours for regular full time employees, 720 for 24-hour shift employees or 260 additional hours for regular part time employees. While an employee is receiving salary continuation from the Town, he/she will continue to receive all benefits as if he/she were still working.

Employees who receive wage continuation from the Town will be required to turn over any checks received from the workers' compensation insurance carrier for wage payments to the Town of Pantego. Checks should be submitted to the Budget/Risk Management Coordinator as they are received. If the employee fails to turn over these checks as required, he/she will be required to repay any money owed to the Town and may be subject to disciplinary action up to and including termination for theft of Town funds. In addition, the Town may pursue legal action against the employee for theft of Town funds.

After an employee has exhausted all wage continuation options from the workers' compensation commission but is still required to be off work, he/she will be eligible for 70% salary continuation until the time that maximum medical improvement is obtained by the employee. This means that the employee may keep the wage payments made by the workers' compensation insurance carrier. At this point in time, employee benefits will cease to be paid. Employees will be eligible to continue health and dental insurance under the Town's COBRA policy.

Employees not using Town Medical Provider - Employees not using the Town's medical provider will be eligible for salary continuation beginning with the eighth day after the first day off from work. Employees will receive 70% of their salary in the form of a check from the Town's insurance carrier. During the seven-day waiting period an employee may use any accrued benefits (sick, vacation, holiday or compensatory time) to compensate for lost wages during this time. If the disability continues for four (4) weeks or more, the initial week of compensation will be paid retroactively by the Town's insurance carrier. For this reason, employees are given the choice, under this option, to either take accrued leave during the seven-day waiting period or take it without pay.

Employees receiving checks from the insurance carrier will receive checks until maximum medical improvement status is obtained or for a period not to exceed two (2) years whichever comes first.

Wage Continuation Limitations

Wage continuation ceases under, but is not limited to the following conditions:

- For employees using the Town's medical provider the maximum number of hours that a regular full time employee can receive 100% salary continuation is 1040, 1404 for 24 hour shift employees and for regular part time employees it is 520, unless extensions are approved (See Section 8.4);
- When an employee is returned to work (either full or light duty);
- Two (2) years have elapsed from the date of injury;
- The employee retires, resigns, is laid off, is dismissed from employment, or dies;
- The employee is found working at another job not held prior to the injury or performing any physical activity that is not consistent with prescribed treatment or therapy;
- The employee refuses to perform limited duty when available and authorized by the treating physician;
- The employee refuses to accept or perform a different job within the Town that is within his/her physical capacity to perform and for which he/she is qualified or will be trained; or
- The employee refuses or fails to reimburse the Town of any overpayment of wage continuation benefits.

Supervisor Responsibilities

The Supervisor's primary responsibilities in any workers' compensation incident are to:

- Get first aid or medical treatment for the injured employee by administering first aid, taking his/or her to the hospital or other medical provider or by calling an ambulance, if necessary,
- Immediately notify the Budget/Risk Management Coordinator,

- Complete a first report of injury or illness on all work-related injuries/illnesses that are serious enough to:
    - Need treatment under direct supervision of a medical physician and
    - Cause the employee to lose a full shift of work;
    - Maintain contact with the employee during any absence caused by a work-related injury or illness;
    - Inform employees of their treatment and wage continuation options under this policy;
    - Make arrangements for the employee to return to work and consider possible changes in work assignments in case of any restrictions imposed by the physician.
    - Immediately notify the City Manager, the Budget/Risk Management Coordinator and the HR Manager in cases of an employee's serious bodily injury or death while on the job; and
    - Require the employee who has been off work due to an on-the-job injury for any length of time related to injury to get a full release or an accommodating-restriction to work before returning to work status. Firefighters must get a full release after two (2) consecutive shifts off.

TMRS RETIREMENT PLAN

The Town of Pantego is a member of the Texas Municipal Retirement System (TMRS). Participation in TMRS provides for monthly pension benefits at retirement, and therefore; participation in the system is compulsory for all regular employees who are scheduled to work a minimum of one thousand (1,000) hours annually. Employees on leave of absence without pay are not eligible to make contributions to TMRS. The plan requires a contribution be made by means of payroll deduction from each paycheck.

The Town matches each employee's contribution at a 2:1 ratio.

Contributions are tax deferred and based on employees' gross earnings. Vesting generally occurs five (5) years after the first contribution.

In the event that a member of the retirement system leaves employment with the Town prior to retirement and is not vested, the member may elect to leave the contributions on deposit with the system for no more than five (5) years or may file an application for a full refund of the employee's contributions and accrued interest thereon, or may roll the funds over into a qualified account. In the event that an employee receives a full refund of contributions upon leaving the system, the employee forfeits any seniority towards retirement under TMRS.

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

Where practical, employees shall give HR written notice of their intent to retire at least one (1) month prior to the proposed date of retirement in order to file a written application for retirement with TMRS.

Members become eligible for "service retirement" under TMRS if they have:

- At least five (5) years of creditable service or combined creditable service and have reached age sixty (60), or
- At least twenty (20) years of service regardless of age.

The amount of the monthly retirement benefit is based on and varies with the total deposits the member has made plus interest, the sums the Town has agreed to pay, the member's life expectancy at retirement, and which payment plan options the member selects.

Due to the complexity of questions relating to the retirement program, only a brief summary of the program is provided. For additional information, consult the TMRS Benefits Guide available on line at http://www.tmrs.org or contact HR.

All regular employees scheduled to work a minimum of one thousand (1,000) hours annually or approximately 19.2 hours a week are eligible on the first day of employment.

SOCIAL SECURITY

The Town of Pantego is a member of the Social Security system. Participation in Social Security provides for monthly pension benefits at retirement, and therefore; participation in the system is compulsory for all employees. The plan requires a contribution be made by means of payroll deduction from each paycheck.

Due to the complexity of questions relating to the retirement program, only a brief summary of the program is provided. For additional information, go on line to http://www.ssa.gov or contact HR.

VI. WHILE AT WORK

ATTENDANCE, PUNCTUALITY AND DEPENDABILITY

The Town expects regular attendance from all employees. This means that employees must be at their work location, ready to work, at the beginning of their scheduled work shift. Tardiness and absenteeism reduce the efficiency of the Town's operation and may impede the Town's ability to provide quality customer service to its citizens. It also may place unfair hardship on coworkers who report to work regularly and punctually. Employees will be at their assigned work place in accordance with departmental regulations. All Departments will maintain accurate daily attendance records.

Employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. Moreover, employees must notify their Supervisor as far in advance as possible and in accordance with departmental policies if they expect to be late or absent. If no departmental policy exists, employees must notify their Supervisor before or within 30 minutes after the employee's designated starting time. This policy applies for each day of their absence.

Absences of three (3) consecutive days without providing proper notification will be considered as having voluntarily resigned.

Employees must provide a physician's release to return to work regarding the health status and fitness for duty requirements for the following:

- Absences due to illness of three (3) days or more
- For any period involving hospitalization
- Exhibited patterns of excessive misuse (e.g. reoccurring use of sick leave on Mondays and/or Fridays or in conjunction with a holiday or normally scheduled days off)

DRUG FREE WORKPLACE

The purpose of this policy is to provide a drug-free, healthy and safe workplace for all employees including but not limited to those regulated by the Federal Drug-Free Workplace Act of 1988, as amended and regulations of both the U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHWA) for drivers of commercial motor vehicles.
As a public employer, the Town of Pantego is entrusted with the health and safety of its citizens. The presence of drugs and alcohol in the workplace and the influence of these substances on employees during working hours are inconsistent with effective government. Therefore, the Town will conduct substance abuse testing for any of the following instances:

- Pre-employment
- Post-accident
- Reasonable suspicion
- Random testing for employees required to have or receiving incentive pay for Commercial Driver's Licenses, under authority of U.S. DOT and FHWA or other applicable laws

Return to Work following alcohol/drug abuse treatment for employees required to have Commercial Driver's Licenses, under authority of U.S. DOT and FHWA.

All employees must report their use of over-the-counter or prescribed medications to their immediate Supervisor, Department Director or HR only if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.

Employees may be asked to take a test pursuant to the provisions outlined in this policy to determine the presence of drugs, narcotics or alcohol, unless such tests are prohibited by law. Employees being tested must sign a consent form authorizing the test and the Town's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in corrective action and will result in termination. Tests that are paid for by the Town are the property of the Town, and the examination records will be treated as confidential.

Testing Procedures Applicable to all types of Testing

Whenever an employee is required to submit to drug and/or alcohol testing pursuant to the provisions outlined in this policy, the Town may, in its sole discretion, transport the employee, or pay for such transportation, to the Town's designated testing facility to undergo a test for the use of drugs and alcohol. If testing is required due to an accident, testing must occur as soon as possible but within four (4) hours after the accident.

Once it has been determined that an employee needs to be sent for drug or alcohol testing, a Supervisor or his/her designee will drive the employee to the testing facility and then drive the employee's home or to place of employment. Any employee transported to the Town's designated testing facility that undergoes a test for the use of drugs and/or alcohol under this policy may be immediately placed on a paid leave of absence.

The testing for the use of drugs and/or alcohol will be as follows:

- For Safety Sensitive Function positions as outlined by DOT, testing will be performed only by labs certified by the Department of Health and Human Services (DHHS). All others will be performed by labs screened and selected by the Town's authorized medical providers.
- Test results must be reviewed by Medical Review Officers (MROs) who are required to determine whether there may be a legitimate explanation for positive tests and whether lab results are scientifically reliable.
- The Town must use the split-sample method of urine testing for all employees and applicants. Under this method, the urine sample provided at the testing site is divided into a primary sample and split sample. Employees and applicants who receive verified positive results or verified adulterated or substituted results, on the primary sample may request that the split-sample be sent to another certified lab for testing. The (second) split-sample testing is done at the employee's or applicant's expense.
- Minimum testing requirements includes alcohol, marijuana, cocaine, opiates, amphetamines, and PCP. The Town requires testing for all employees for the following substances, that meet DOT requirements:
    - Alcohol
    - Amphetamines
    - Barbiturates
    - Benzodiazepines
    - Cocaine Metabolites
    - Marijuana Metabolites
    - Methadone
    - Methaqualone
    - Opiates
    - Phencyclidine
    - Propoxyphene

Subject to any limitations imposed by law, a refusal to provide a body-substance sample (breath, urine or blood) under any testing listed above is considered "Refusal to Submit" and will result in corrective action, up to and including termination of employment.

Refusal to Submit to Drug Test

Subject to any limitations imposed by law, a refusal to provide a body-substance sample under the conditions described above is considered insubordination and will result in corrective action up to and including termination of employment. For applicants, it will be grounds to rescind the job offer or deny employment.

Consequences of a Positive Drug Test

In the event of an applicant confirmed positive test result for prohibited drug or alcohol use during pre- employment testing, the applicant will no longer be considered further for employment.

Current employees who tests positive (confirmed) for drugs and/or alcohol will be terminated from employment.

Medical Exceptions

Exceptions to this policy may be made for employees who are reasonably suspected of being under the influence and impaired by medication taken according to a prescription in the employee's name and obtained from a licensed physician for medical purposes. Such individuals, while experiencing the effects of prescription medications, may be placed in an assignment consistent with their ability to perform the assigned task, or will be removed from the workplace and be allowed to use their applicable leave benefits, if any, until they are able to return to work. Under these circumstances, a medical release returning the employee to full duty will be required prior to returning to work. If the employee has missed ten (10) consecutive workdays or five (5) fire shifts, a return to work/fit for duty physical (at the Town's expense) will be required.

Report of Criminal Drug Statute

Employees must notify their Department Head of a criminal drug or alcohol statute arrest, conviction, plea of guilty or nolo contendere or imposition of sentence for a violation within five (5) days of the event. Failure to notify will result in disciplinary action up to and including termination.

Social Functions

Employees attending training and conferences may participate in social functions associated with the conference. This includes the consumption of alcohol, so long as the employee's conduct does not reflect adversely upon the Town. Employees who consume alcohol at these functions are encouraged not to drive; they shall not be allowed to operate a Town owned vehicle or vehicle rented on behalf of the Town.

Confidentiality/Documentation

Laboratory reports or test results will be maintained in the HR Department in the employee's official personnel file. Records and reports results shall remain confidential and employees found to be in breach of this confidentially will be subject to disciplinary action up to and including termination.

EMPLOYEE CONDUCT AND CORRECTIVE ACTION

Employee Conduct

Honesty and fair dealings are essential to business and personal success. To ensure consistency in standards of personal conduct, we have set forth-certain rules. Many of these rules are common sense and thus, written guidelines cannot address every necessary rule that might be invoked in day-to-day situations.

Listed below are examples of the kinds of offenses that the Town considers so detrimental that employees, who engage in such conduct, will ordinarily be subject to immediate dismissal. These examples are illustrative only, and not an exhaustive list of the kind of conduct that could result in dismissal.

- Engaging in fraudulent activities including theft, willful destruction of Town property or property of other employees, utilization of Town supplies, assets or facilities for personal use
- Violation of a public law when at work, on Town property or when away from work, if such may have a potentially detrimental effect on the Town, conviction of a major crime
- Dishonesty-falsifying documents including employment records, timekeeping records, and all other Town related documents, lying during an internal investigation and purposely reporting false or inaccurate information to management and/or citizens
- A disclosure of confidential Town information or conflicts of interest, as defined by the Town Ordinances, or State law
- Engaging in improper or disorderly conduct such as fighting, creating a nuisance or disturbance on Town property, using profane, obscene or abusive language, defacing, willingly damaging or destroying property, equipment or records of the Town or others
- Repeatedly working unauthorized overtime
- Reporting to work while under the influence of alcohol, drugs, possessing, dispensing, or using an illegal drug or alcohol, abuse or improper use of prescription medication or over-the-counter medications
- Possessing unauthorized firearms, explosives or other illegal weapons on Town property
- Insubordination or refusal to follow a Supervisor's job-related instructions
- Deliberate violation of safety rules that endangers the employee's life or the life of others
- Gross misconduct or any conduct that brings discredit to the Town, its employees or customers

Any violation of the above rules that also constitutes a criminal offense will be reported to the appropriate authorities for prosecution.

Listed below are examples of the kinds of offenses considered by the Town to be unacceptable on the part of the employee, and that will ordinarily result in discipline culminating in dismissal.

- Sub-standard customer service or job performance
- Absences from work without notice and/or permission
- Tardiness or absenteeism that is considered excessive by Town standards
- Failure to observe dress code or grooming standards
- Violation of safety practices, instructions and precautions
- Failure to immediately report accidents or personal injury arising from employment. On-duty accidents resulting in injury to the employee must be reported within 24 hours or the next working day of the employee
- Failure to treat co-workers, customers, vendors, etc. equally, fairly, and courteously.
- Being uncooperative.
- Working unauthorized overtime
- Unprofessional conduct
- Improper or unauthorized use of Town equipment

These lists of offenses are not intended to be all-inclusive or restrictive, but illustrative of infractions considered by the Town as misconduct on the part of an employee requiring appropriate corrective action.

Corrective Action

It is the Town's belief and philosophy that the focus of corrective action is to communicate an expectation of change and improvement rather than an expectation of future problems and eventual termination. We believe that the discharge of an employee is a serious matter both for the employee and for the Town.

With this in mind, unless termination of employment for a first offense is strictly outlined in a policy statement within this manual, each instance requiring corrective action will be evaluated in terms of:

- Severity
- Frequency
- Length of time the employee is employed
- Previous disciplinary actions taken against the employee and circumstances surrounding the occurrence

Any action deemed by management as detrimental to the orderly conduct of the operations may, after careful consideration given to all the facts, result in disciplinary action up to and including dismissal.

Supervisors are required to notify the HR Department of all corrective action, preferably prior to it being administered to an employee. This is to ensure that the action taken is consistent with past actions taken for similar offenses. Employees have the right and are encouraged to utilize the Town's grievance and appeal process if they feel that corrective action measures have been unjustly administered to them.

The grievance and appeal process does not apply to employees who are in their initial six-month orientation period with the Town.

Types of Corrective Action

- **Verbal Warning** - Verbal warnings are discussions held with the employee and are documented by the Supervisor. Verbal warning documentation does not have to be forwarded to HR as a part of the employee's record or personnel file.
- **Written Warning** - Written warnings are more severe than verbal warnings in that the documentation process is formalized. Detailed information is put in writing regarding the deficiencies and expectations for improvement. Written warnings require an employee signature acknowledging receipt of the document, that the original document be forwarded to HR as part of the employee's record and personnel file and that a resolution document be completed after 60 days. Written warnings may be combined with probation, demotion, and suspension or performance improvement plans. If combined with another form of corrective action, resolutions may be completed in accordance with the terms of that action.
- **Probation** - Probation means that a Supervisor is giving an employee a time frame not to exceed 6 months in which job performance will be closely monitored. Detailed information is put in writing regarding the deficiencies and expectations for improvement. The Supervisor monitors the employee's progress and formal feedback is given to the employee once every two weeks. The formal feedback is provided to the employee in writing. All documents associated with this process require an employee signature acknowledging receipt of the document and that all original documents are forwarded to HR as part of the employee's record and personnel file. Probation may be combined with a written warning, suspension, demotion or performance improvement plan. Once the initial six-month orientation period has ended, the Supervisor must complete a resolution document.
- **Suspension** - Suspension is time off without pay given to an employee for violation of polices or procedures or for inappropriate actions. Suspensions are required to be documented in writing, require an employee signature acknowledging receipt of the document and that the original document is forwarded to HR as part of the employee's record and personnel file. A Personnel Action Notice (PAN) documenting the suspension must be completed and forwarded to payroll. Employees may be suspended up to 30 days. Non-exempt employees may be suspended without a minimum number of days. Exempt personnel must be suspended for no fewer than five days. Exempt personnel may be docked time out of their vacation accruals in lieu of time off without pay for infractions that would require fewer than five days off. Stand-alone suspensions do not require a resolution document to be completed. Only those suspensions combined with other forms of corrective action (requiring a resolution document) require a resolution document.
- **Demotion** - A demotion may occur when minimum established performance standards are not met or as a means of corrective action for misconduct. When a demotion occurs, the HR Department will be notified. Employees demoted to a position within a lesser pay grade will receive a 5% reduction in pay or their salary will be adjusted down to the maximum of the pay grade of the position they are being demoted to, whichever reduction is greater. The Supervisor must prepare a demotion memo, the employee must

acknowledge receipt of this document and the original document will be forwarded to HR Department as part of the employee's record and personnel file.

- **Resolution** - A Resolution is a document that is prepared by the Supervisor or individual administering corrective action. A Resolution must be prepared at the end of the six-month orientation period (if demoted) or within 60 days after an employee receives a written warning. The purpose of a Resolution is to provide closure of the incident for the employee. The Resolution document briefly states why the employee received corrective action and the outcome of that corrective action (for example: did the employee successfully meet the objectives outlined or were there problems? If so, what were the problems? Etc.). The employee must acknowledge receipt of the Resolution and the original document must be forwarded to HR as part of the employee's record and personnel file.
- **Performance Improvement Plan** - A Performance Improvement Plan is a document that is prepared by the individual administering disciplinary action. A performance improvement plan outlines (more thoroughly than a written warning) deficiencies and required behavioral and/or work performance changes that employee needs to make. Typically a Performance Improvement Plan is put in place after an investigation is conducted or when there are multiple issues/corrective measures that need to be addressed by the employee. Because of the severity of the infractions associated with a Performance Improvement Plan, the plan remains in effect for the duration of the employee's employment with the Town of Pantego.
- **Termination** - Termination of employment is the most serious corrective action measure that can be taken against an employee. Terminations, as with all the corrective action measures, may occur on the first offense or after a series of offenses. Supervisors are required to prepare a termination memo that must be reviewed by HR.

OPEN DOOR POLICY/GRIEVANCE AND APPEAL PROCEDURE

Communication is the primary path to understanding between individuals. Good communication is essential to personal accomplishment, progress and satisfaction. This requires a good working relationship between employees and their department management.

All benefits and conditions of employment, such as those outlined in this handbook will be administered in a fair and consistent manner. Employees, who feel that this is not being done, or who have a suggestion or complaint, are encouraged to have the issues reviewed by management. Any employee is welcome to walk through the door of any member of management to discuss business-related problems … there are no closed doors in the Town.

Misunderstandings or conflicts can arise in any organization. To promote a positive working environment it is important that such issues be addressed before serious problems develop.

It is the desire of the Town to: a) provide timely grievance review procedures to all employees; b) facilitate free discussion of employment and employee problems between employees and Supervisors to foster better understanding of administrative policies, procedures and practices; c) promote reaching the right decision (rather than determining who is right) in a climate of mutual understanding and objective, factually-based thinking; d) assure that those who file grievances are not retaliated against; and , e) assure this policy is followed.

Items Covered by this Policy - Misapplication of written policy, regulation or procedure of the Town or department for whom the employee works which has personally affected the employee filing the grievance. Any regular employee may file a grievance to request a hearing regarding departmental decisions considered by the employee to be harmful, unfair, or discriminatory.

Items Not Covered by this Policy - The following items are not covered under this policy and should be resolved through the employee's chain of command:

- Generalized feelings of unfairness. A grievance must be specifically related to a written policy, regulation, action or procedure.
- Complaints questioning the substance of a policy, rule or regulation. Policy formulation is reserved as a right of management.

- Employment terminations that take place during the employee's initial orientation period or when the initial orientation period has been extended.
- Employees who are impacted by a workforce reduction will not be afforded the grievance/appeal process.

Implementation Procedures

Pre-Grievance Discussion - To promote harmony in each department and foster goodwill among employees, employees should always attempt to handle at the lowest level possible by taking their questions or concerns to the individual they are having a conflict with. If that is unsuccessful, the employee should notify their immediate Supervisor so that they can be resolved through a discussion between the employee and the Supervisor. The immediate Supervisor is obligated to give a response as soon as possible. If employees are not satisfied with the response received, a grievance may be filed within ten (10) working days of the alleged action.

Grievance Level One - Any employee may file a grievance to request a hearing regarding departmental decisions considered by the employee to be harmful, unfair, or discriminatory.

The affected employee will complete a written statement of the grievance citing the specific policy or policies that have been violated or action taken, or why an action is unfair or discriminatory, including the direct and adverse affect the violation or action had on the employee. In addition, the specific corrective action the employee is requesting, and the explanation supporting this request, must be included by the employee in the written statement. The completed statement must be submitted to the party responsible for the adverse action within ten (10) working days.

Upon receipt of the completed written grievance statement, the responsible party must notify the next level of management and HR within two (2) working days. HR will assist the responsible party in determining if the issue meets the criteria for filing a grievance. The responsible party has five (5) working days from the date of receipt of the written grievance to respond in writing to the allegations, providing his/her comments or decision. This does not include time that the responding individual is away from work on business, vacation, illness, etc.

If not satisfied with the outcome of the level one responder, the employee has two (2) working days after receipt of the determination of the level one responder to file a written grievance for level two. If the employee does not file a grievance with the next appropriate level within the timeframe described herein, the decision becomes non appealable and final.

If the Department Head was directly involved in administering or participating in the action that led to the employee filing a grievance, this level may be bypassed and the grievance escalated to the Grievance Level Two. In order for this to occur, the responding party must provide notice of the escalation to the employee in writing (with a copy to HR) within the five (5) working days deadline listed above.

Grievance Level Two - If the issue meets the criteria for filing a grievance and if the written response received in Level One does not satisfy the employee, the employee may proceed to the next level by submitting the written grievance statement and the first level written response to the City Manager within two (2) working days of receipt from the first level responder.

The City Manager will contact the employee to schedule a hearing within 30 working days of receipt of the request for a hearing. Once the hearing has been conducted, the City Manager will issue a determination. This time frame does not include time that the City Manager is away from work on business, vacation, illness, etc.

The City Manager may require appropriate representation of Town officials at the hearing.

Once the hearing has been scheduled, the employee will receive a written letter from the City Manager's office that explains the hearing process. This letter will be sent by certified mail to the employee's address on file with the Town or to the employee's legal representation.

During the hearing, the City Manager will hear and review all information presented by the employee. The City Manager will render a final determination, in writing. The determination of the City Manager is final and not subject to further appeal.

INTERNAL INVESTIGATIONS AND SEARCHES IN THE WORKPLACE

From time to time, the Town may conduct internal investigations pertaining to security, auditing or work-related matters. As a condition of employment, employees are required to cooperate fully with and assist in these investigations if requested to do so.

Lockers, vehicles, offices and other Town property used by employees are subject to inspection by authorized Town personnel at any time. Employees will not have any expectation of privacy in lockers, vehicles, offices, electronic communications and other Town property. Employees are required to cooperate. Failure to do so may result in disciplinary action up to and including termination.

The Town will generally try to obtain an employee's consent before conducting a search of work areas or personal belongings, but may not always be able to do so.

The Town may conduct these inspections and searches for drugs, alcohol, or contraband on Town premises or in Town vehicles or equipment wherever located. Searches or inspections may be initiated without prior notification and conducted at times and locations deemed appropriate by the Town. However, an effort will be made to conduct searches upon reasonable notice to employees, so that they may be present for such searches. Personal effects include, but are not limited to, personal vehicles, baggage, lockers, desks, lunch boxes and offices.

ABUSE OF AUTHORITY

Employees are prohibited from using their position, uniform, insignia/badge, vehicle or other Town identification for personal gain or any reason other than the performance of their official job duties.

Employees may not accept any gift, monetary compensation or in kind offers for the purpose of influencing a decision in regard to the operations of the Town.

EMPLOYEE BREAKS

The Town recognizes that employees may need a break from time to time throughout the day for various reasons. To this end, if authorized by the department and with approval from an immediate Supervisor, employees may take up to two (2) 15-minute rest periods each workday.

These breaks are considered a privilege and not a right or a requirement by law. Therefore, these breaks may not interfere with the employee’s work or the work of the department. These short breaks may be denied by the Supervisor if these breaks cause interference or are abused by the employee.

All employees who work eight (8) or more hours a day are encouraged to take a one-hour lunch break. Employees may shorten their lunch break or “flex” any portion of the lunch break at the discretion of their Department Head.

The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time in order to express breast milk for her nursing child for up to one (1) year after the child’s birth or adoption (as applicable) each time such an employee has a need to express the milk. The Town will provide a private, secure location with a separate refrigerator in the employee’s building for this purpose. The employee and her Supervisor will agree on the times for these breaks. The Town may require medical certification to support the stated intent of this section of the policy.

All break times must be coordinated with the employee’s Supervisor to ensure that break times ensure adequate department coverage.

In accordance with the FLSA, when requested, the Town will provide adequate private space within a Town facility for the purpose of expressing breast milk. In order to prepare such a designated space, the Town requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility. For the purposes of this policy, a written request directed to HR will suffice.

HR will work with the individual department to ensure that an adequate space is prepared and maintained for the duration of the period of time expressing is requested. Breaks taken for the purpose of expressing breast milk will run concurrently, not in addition to other breaks taken throughout the day.

DRESS CODE

Establishing and communicating standards and expectations concerning acceptable attire and grooming for all employees provides benefits to citizens and employees alike by enhancing productivity and instilling a sense of professionalism. It is especially important that employees who frequently assist the public, or are seen by them, present a professional, neat and clean appearance. This policy is not intended to preclude cultural or religious customs, or medically necessary attire or accommodations. Consult HR for clarification if these issues arise.

Employees are expected to dress in a professional and appropriate manner as a representative of the Town and a reflection of his/her own department. An employee often serves as the initial representative of the Town to many citizens, therefore, appropriate dress at all times is important. An unprofessionally dressed employee may prove to be a distraction to other employees who are attempting to concentrate on their assigned duties.

Dress that is extremely casual could be interpreted to mean that the Town does not care about the image it is projecting to their customers. Town employees that dress sloppily or wear clothing with potentially insulting images or words may offend customers; while professionally dressed and groomed employees project a positive image to the public.

Employees of the Town typically fall into categories requiring different dress codes. These include office, technical and professional staff, employees in maintenance and the trades who do not wear uniforms and uniformed employees.

1. Office, technical and professional staffs are expected to wear suitable, clean clothing and be appropriately dressed.
2. Employees in maintenance and trades who do not wear uniforms must wear clothing that is as clean as possible based on the type of duties they perform, and conform to departmental guidelines.
3. Uniformed employees must wear clothing that is as clean as possible based on the type of duties they perform, and conform to departmental guidelines.

Along with professional dress, employees will maintain proper hygiene and grooming. Jewelry in visible body parts other than the ear, or excessive numbers of piercings in each ear, is not acceptable. The allowance of visible tattoos is at the discretion of the individual department. Employees will not wear disruptive or extreme hairstyles, or hair in a color or shade other than those that occur naturally.

At the discretion of the Department Head, Friday is designated as the day for casual dress and may apply to all employees who are not otherwise required to wear a uniform. While casual dress varies, it must be appropriate for a business environment and look neat and professional. Special permission may given by a Department Head, to wear jeans (other than on casual Friday) when work assignments warrant more casual attire such as moving boxes or cleaning out store rooms, etc. All jeans must be neat and pressed and not frayed, faded or have any holes.

Dress Guidelines

Please note the guidelines for appropriate and inappropriate dress in the table below.

	Business Casual	**Business Attire**
What	Business casual provides employees with an opportunity to dress more informally while maintaining a professional appearance.	Business attire is the traditional, professional business look.
When	Business casual is appropriate on normal business days when employees' duties do not involve the necessity to dress more formally.	As needed to present a professional appearance for meetings or special events, including but not limited to regular Town council work sessions, council meetings, meetings with businesses and/or when representing the Town.
Examples	Appropriate Business Casual Everything listed for business attire, plus the following: • Slacks (no jeans) • Gauchos • Cropped pants (six inches or longer from the ankle) • Blazer/Sport Coat • Sweaters/ Cardigans • Knit golf shirts, polo shirts, Town logo shirts • Henley shirts • Banded collar shirts • Dress tee-shirt • Sports shirts with collars (short or long sleeves) • Vests (with appropriate shirts) • Leather boots, loafers, pumps, top siders • Open toe dress sandals • Canvas shoes (not athletic in nature) • Appropriate seasonal hosiery	Appropriate Business Attire • Traditional 2 or 3 piece suit with tie • Slacks and sport coat, dress shirt with collar and tie • Appropriate hosiery • Dress shoes • Leather boots • Two piece dress • Business dresses, coat dresses • Pant suits • Blouses/shells • Skirts • Gauchos (as long as it is part of a coordinated outfit with a blazer or jacket) • Cropped pants (six inches or longer from the ankle) with a coordinated jacket or blazer

INAPPROPRIATE DRESS

- Shirts with slogans or large emblems (other than Town logos)
- Sweat/wind suits (shirts, jackets and pants)
- Jeans (unless on a casual day, in a field environment or as approved by the Department Head as appropriate for the work assignment)
- Athletic shoes/Hiking boots (unless in a field environment or approved by the Department Head as appropriate for the work assignment)

- Sun dresses/skorts
- Strapless/backless attire
- Overalls
- Flip flops
- Baseball caps or hats not part of a uniform (Field crews may use hats or baseball caps approved by the department director for use outdoors for protection from the elements of weather)
- Short skirts (shorter than finger tip length when arms and hands are down by the side of the body)
- Provocative or revealing attire (including cleavage showing)
- Halter tops
- Exercise clothing to include exercise tights
- Leggings
- Shorts
- Untucked shirt tails
- Tee-shirts (unless a Henley or dress tee-shirt)
- Tank tops
- Skirts with revealing splits
- Clothing that exposes the midriff (upper and lower) Clothes that do not fit properly (too tight or too baggy)
- Clothing not properly laundered or not in good condition (e.g. faded, frayed, having tears or holes)

Each Department Head is responsible for implementing the dress code and communicating it to department employees. Departmental dress codes may be more restrictive than this policy. Exceptions to dress codes may be approved by the Department Head under certain circumstances, including a special departmental event.

Complaints about the attire of an employee following this policy should be directed to the Department Head (or his/her designee in the absence of the department director) of the employee in question. The Department Head has the final authority to determine the appropriateness of the employee's attire.

Questions or concerns relating to reasonable accommodation issues or management interpretation questions may be directed to HR.

OFFICE APPEARANCE

In order to convey an image of efficiency and professionalism, all office and public areas in all Town facilities should be kept neat and orderly.

Employees are encouraged to personalize their workspace as long as pictures, posters, decor, etc. are tasteful, professional and non-offensive to co-workers and others.

Whenever possible, boxes and other storage items should remain out of the sight of the general public and visitors within a facility.

Employees should leave public areas, coffee stations, conference rooms, restrooms, break areas, and kitchen areas in a clean and orderly condition for guests and other employees.

PHYSICAL FITNESS AND FIT FOR DUTY PHYSICALS

Employees are responsible for maintaining the standard of physical and mental fitness, with or without reasonable accommodation required for their position and job duties as established by the job description and/or department policies.

Employees requiring reasonable accommodations to perform the essential functions or their job or any aspect of the physical and mental requirements of their job as outlined in their job description should contact their Department Head and HR in writing explaining what the accommodation request is, duration of request and effective date.

Serious Health Conditions/Disabilities

The Town 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. As long as these employees are able to perform the essential functions of their job with or without reasonable accommodation, without creating an undue hardship and medical evidence indicates that the condition is not a direct threat to the employee or others, the Town will treat them consistently with other employees.

Medical Exams for Current Employees

The Town may require current employees to undergo a medical and/or psychological examination to determine fitness for continued employment; as may be necessary in order for the Town to provide a reasonable accommodation; following an (on or off duty) injury or accident or surgical procedure; and as otherwise permitted in accordance with the American's with Disabilities Act (ADA), as amended. This examination may take the form of a fit for duty or return to work physical.

Implementation Procedures

Return to Work physicals will be scheduled by HR before an employee can return to work when that employee misses ten or more consecutive scheduled workdays off due to injury, illness or surgical procedure. Fire Department shift employees will be scheduled for a Return to Work physical when they have missed five or more consecutive shifts due to injury, illness or surgical procedure. Notwithstanding the above, the Department Head may otherwise require a Fit for Duty physical depending on the facts and circumstances of each situation.

Fit for Duty physicals will be scheduled by HR when it is determined necessary in order to provide a reasonable accommodation under the ADA or at any time when there is a question as to whether employees can perform their jobs in a safe manner.

In all cases the cost of the physical exam and any expenses incurred as a result of obtaining medical records will be paid by the Town. Employees are responsible for obtaining those records and ensuring they are provided to the Town's designated medical provider. Before returning to work following a medical and/or psychological examination under this policy, employees must coordinate their return through HR.

Employees on light duty will not be required to complete a return to work physical until they are released to full duty. An employee, not receiving workers' compensation benefits may not be out more than six months on light duty not to exceed two occurrences within six months within a rolling year.

NEPOTISM/EMPLOYMENT OF RELATIVES

People related within the second degree by affinity (marriage) or within the third degree of consanguinity (blood) to the Mayor, any member of the Town Council or the City Manager will not be eligible for employment with the Town of Pantego, except for a short-term project (less than three (3) months) specific contract or intern work contractual basis.

Relatives of other employees may be employed but not under the direct or indirect supervision of any family member related within the second degree by affinity or within the third degree of consanguinity or related through a common law marriage or a cohabitation arrangement. Employment of individuals under these circumstances will be based on the individual's qualifications and ability to successfully perform the job. In the event that an employee becomes married to or related to another employee and are put in or are currently in a direct supervision capacity, one of the employee's may be reassigned at the discretion of Town management.

VIOLENCE IN THE WORKPLACE

The Town will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person
- Making threatening remarks
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- Intentionally damaging Town property or property of another employee
- Possession of a weapon while on Town property or while on Town business (unless employee is a certified peace officer required to carry a weapon)
- Committing acts motivated by, or related to, sexual harassment or domestic violence

Reporting Procedures

Any potentially dangerous situations must be reported immediately to a Supervisor or to the HR Department. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to- know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The HR Department will conduct all investigations. Individual Department Heads and/or Supervisors may be called upon to assist in the investigation. The Town will actively intervene at any indication of a possibly hostile or violent situation.

Risk Reduction Measures

The Town takes reasonable measure to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

The Town conducts annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the HR Department or their Department Head if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behaviors include:

- Discussing weapons or bringing them into the workplace (other than peace officers as defined by the normal scope of their job)
- Displaying overt signs of extreme stress, resentment, hostility, or anger or making threatening remarks
- Sudden or significant deterioration of performance
- Displaying irrational or inappropriate behavior

WEAPONS POSSESSION

The Town strictly prohibits any employee, other than a certified peace officer, from carrying a weapon on or about his/her person on Town property or while conducting Town business, regardless of whether or not the employee is duly licensed by the State of Texas to carry a concealed handgun.

The term "weapon" under this policy statement is defined as any instrument or gun that is specifically designed, made or adapted for the purpose of inflicting serious bodily injury or death to another. This includes, but is not limited to clubs, firearms, handguns, illegal knives, explosives, crossbows, bows and arrows, throwing star and knuckles.

The term Town property under this policy statement includes not only Town buildings and property, but also other assigned work locations, Town vehicles and equipment, and private vehicles while being used for Town business for which the Town pays a car allowance or mileage reimbursement. The term Town Building means any and all buildings or portions of buildings owned, leased, or otherwise controlled by the Town of Pantego.

Should an employee be confirmed to have violated this policy, the employee will be terminated.

An exception to the above will be made for those Town employees who in the course of conducting Town business and are traveling to and from a special function, training seminars, etc. outside the immediate area of the Town of Pantego.

EMERGENCY PROCEDURES

The Town has established emergency procedures for all employees to follow in the event of a fire, building evacuation, need for paramedics and/or police assistance, bomb threat or a potentially violent situation between co-workers, a customer and/or employee acquaintances.

All employees are responsible for following the established procedures and for assisting customers and visitors in following these procedures if needed.

All emergencies or requests for assistance should be called into Police Dispatch (817) 274-2511 or 9-1-1.

REPORT TO WORK POLICY - EMERGENCIES AND DISASTERS

There is always the possibility of a disaster that will directly affect large numbers of citizens. Catastrophic events such as natural disasters, transportation emergencies, major fires, evacuations, civil unrest and acts of terrorism are examples of things that would cause the activation of the Emergency Management Plan.

Should a disaster occur personnel are expected to report to work and be prepared to work extended work periods. The first day or two will be critical to the response, rescue and recovery of our Town.

Return to Work Policy Statement

The emergency dispatcher, as authorized by The Plan, will accomplish specific notifications when there is a potential for an emergency or when an event has occurred. Notifications are most often sent to specific employees by way of the Town pager system.

Each municipal department shall develop and exercise an employee notification procedure, including a back-up plan, providing notifications should the existing pager system fail or become inoperative.

Any employee, who without notification has a reasonable belief that a disaster has occurred, should contact their Supervisor for instructions.

If it is obvious that an event has occurred the employee should initiate a "self response" and return to their primary workstation. Some emergencies could tax the communications system in such a way that notifications cannot be made in a reasonable amount of time, if at all. Each department should prepare a departmental statement that clearly identifies those situations and circumstances where an employee should initiate a "self response" and return to work. Any employee who becomes aware of an event that authorizes a "self response" is expected to report to work.

Employees should expect to work extended shifts and work periods. Depending on the event, the Town will provide food and lodging for those employees who are assigned extended work periods. Employees should anticipate extended work assignments during a response to a disaster and are encouraged to bring a change of clothes and other personal items.

SOLICITATIONS. DISTRIBUTIONS AND USE OF BULLETIN BOARDS

The use of Town facilities for the purposes of solicitations to employees is against Town policies unless approved in advance by the City Manager or the HR Department.

Supervisory/management should ensure that subordinate personnel are not pressured to participate in any solicitation activities regardless of whether or not these functions are approved and/or sponsored by the Town.

Persons not employed by the Town may not solicit the Town employees for any purposes on Town premises unless approved in advance through the City Manager. All such requests must be routed through the HR Department to ensure the request is forwarded through the appropriate channels and all employees are notified.

Bulletin Boards

Bulletin boards maintained by the Town are to be used only for posting or distributing material of the following nature:

- Notices containing matters directly concerning Town business
- Announcements of a business nature which are equally applicable and of interest to employees
- Job Postings and Testing Announcements
- Any other information or announcements that has prior approval by a Department Head

All employees are expected to check these bulletin boards periodically for new and/or updated information and to follow the rules set forth in all posted notices. Employees are not to remove material from the bulletin boards, unless instructed to do so.

ELECTRONIC COMMUNICATIONS

This policy provides the Town of Pantego employees with effective, consistent standards in regards to the use of the Internet, the electronic mail system (e-mail) and all computers (including, but not limited to, desktop computers, laptop computers, and servers) owned by the Town of Pantego. Employee- users are expected to be knowledgeable of these and all policies of the Town of Pantego.

Internet/E-mail and Computer Usage

Access to the Internet, E-mail system and the Town’s computer system is provided to staff members for the benefit of the Organization and its customers. Every staff member has a responsibility to maintain and enhance the Town’s public image, and to use these systems in a productive manner. To ensure that all employees are responsible, productive users and are protecting the Town’s public image, the following guidelines have been established for using these systems. All electronic communications and stored information transmitted, received, or archived in the Town's information system is the property of the Town. The Town reserves the right to access and disclose all messages sent through these systems. Following are guidelines in using the systems:

- Communications on these systems should be treated as formal documents with proper business standards being followed. Spelling, grammar and punctuation should be checked.
- Use professional language. Never send abusive, harassing, or threatening messages, even in jest.
- Use common sense about what you say or send. You cannot control who will ultimately read it.
- Confidentiality is a misnomer and privacy does not exist. A good rule of thumb is "never write anything that you would not want to become public knowledge."
- Review your message before you send it, a sentence that might be clear to someone talking to you face to face might come across quite differently without the tone of your voice or the facial expressions.
- Practice good housekeeping rules. Storage space on the computer is critical.
- Delete old or out-dated material. Delete unimportant messages as you read them.
- Keep your E-mail "in" and "sent' boxes clean. All Town employees are required to purge their files every 60 days. The Town reserves the right to delete all items in these boxes after 60 days.

- Do not save multiple copies of the same message. (When you send a message and get a response with your original message attached, you begin to have several layers; you only need to save the last one). Do not reply with attachments or use "reply all" unless the response requires it.
- Use professional courtesy and business etiquette.
- Be careful when using sarcasm and humor. Without the personal interaction, your joke could be viewed as criticism.
- Employees are prohibited from adding, modifying or removing any peripheral items or replacing any existing items such as mice/mouse, keyboards, screensavers, digital cameras, etc. without the permission of the Department Head. This includes telephone cords and any other employee-purchased equipment.
- Employees are prohibited from downloading/installing software/programs without the permission of their Department Head.

Unacceptable Use of the Internet and E-mail

These systems shall not be used for personal gain or advancement of individual views. Solicitation of non-Town business, or any use of any of these systems for personal gain is strictly prohibited. Use of these systems must not disrupt the operation of the network or the networks of other users. It must not interfere with your productivity. Subscribing to mailing lists for anything other than professional groups is prohibited. The use of any email service not provided by the Town to conduct Town business is strictly prohibited.

Open Records and Retention

The policy of the Town is to comply with state record management laws, and the regulations issued by the Texas State Library. This law requires the Town to retain records sent, received, or generated in the course of conducting Town business following criteria listed in the Town's approved records retention schedule. The Town of Pantego users are to adhere to the Town's Record Management Policy. The user that originates a message inside the Town or receives a message from outside the Town is the record holder for that message and must retain it according to the retention period for the record category into which it fits.

Electronic mail messages can fall into any record category and must be retained according to the Town's record retention schedule for that category of record. Most electronic mail messages fall into one of three categories: (1) transitory information which may be deleted as soon as the purpose for which the record was created has been met; (2) general correspondence, which must be maintained for one year; or (3) administrative correspondence, which must be maintained for three years. It is recommended that transitory information be deleted after it has been sent, or after it is no longer useful. All other correspondence is to be printed and maintained in paper form until its retention has been met. Once printed, it should be deleted from the network.

All messages created, sent or retrieved over any electronic system are the property of the Town, and should be considered public information. The Town reserves the right to access and monitor all messages and files on all systems as deemed necessary and appropriate. Internet messages are public communication and are not private. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Past court decisions have treated electronic communications as subject to Open Records Requests under the Open Records Act. Therefore, all E-mail correspondence must be conducted in a professional manner consistent with standard Town business requirements.

Electronic Mail/Voice Mail

The content of e-mail and voice mail messages (for any file) may not contain anything that would reasonably be considered offensive or disruptive to any employee. Offensive content would include, but is not limited to, sexual comments or images, racial slurs, gender specific comments or any comments that would offend someone on the basis of their age, sex, sexual orientation, religious or political beliefs, national origin, or disability. Regarding Internet and e-mail access and usage be advised that use of the Internet and e-mail provided by the Town expressly prohibit but is not limited to the following:

- Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, trade secrets or other confidential information of the Town in violation of Town policy or proprietary agreements.
- Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, and religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, usurping business opportunities or soliciting money for personal gain, or searching for jobs outside the Town of Pantego.
- Sending chain letters.
- Gambling or engaging in any other activity in violation of local, state or federal law.
- The circulation of jokes, comics or non-job related computer graphics.

Proper and Ethical Use of Electronic Mail

At any time and without prior notice, the Town management reserves the right to examine e-mail, personal file directories, and other information stored on the Town's computers. This examination helps to ensure compliance with internal policies, supports the performance of internal investigations, and assists with the management of the Town's information systems.

As such, the City Manager or his designee may monitor the content of electronic mail. Use of the Electronic Mail system constitutes acceptance of such monitoring.

This policy should be read and interpreted in conjunction with all other Town of Pantego policies including but not limited to policies prohibiting game playing, harassment, discrimination, offensive conduct or inappropriate behavior. Employee-users are prohibited from using electronic mail for any unethical purposes, including but not limited to pornography, violence, gambling, racism, harassment, or any illegal activity. Employee-users are also forbidden from using profanity or vulgarity when posting electronic mail. Employee-users are also prohibited from using electronic mail through the Town's systems for any other business or profit-making activities.

Disclosure of any confidential information through electronic mail to any party not entitled to that information is prohibited. Employee-users are prohibited from entering into any contracts or agreements for services or purchases through Electronic mail. Any such contract or agreement must be executed through normal channels and must be expressly authorized by management. In general, employee-users should exercise the same restraint and caution in drafting and transmitting messages over the electronic mail as they would when writing a memorandum and should assume that their message will be saved and reviewed by someone other than the intended recipients.

Transmitting E-mail to "Everyone/All" Group

Employee-users are discouraged from sending electronic mail to all other employee-users through the use of the "Send to All or Reply to All" address group unless expressly authorized by management to do so. Excessive use of this address group strains the network. Use of the "All" address group shall be for business related information only. The "All" address group shall not be used to notify all users that a particular person is going to be on vacation, out of town, has an item to sell, etc.

Authentication Process

The Town of Pantego's computer network isn't simply a collection of individual desktop computers connected together with wires. Computer workstations are specifically configured to function with servers which host a variety of computer programs that manage sensitive information critical to the Town's mission.

The network also carries telephone voice traffic for all of our facilities. Security is vitally important for many reasons, and safeguarding secure passwords is the frontline of security. As such, all Town employees and contractors and vendors with access to Town's computer systems are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

Town of Pantego Computer Passwords

The Town requires that the following stipulations pertaining to computer passwords must be followed:

- Passwords must be changed every 60 days.
- Passwords must be at least 8 characters in length.
- Passwords must consist of a combination of letters, numbers, and special characters.
- Passwords must not contain any part of user account logon name or parts of the user's full name that exceed two consecutive characters.
- Contain characters from any of the following four categories: Uppercase characters (A…Z), Lowercase characters (a…z), Numbers (the digits 0…9), Non-alphabetic characters (! @ # $ % ^ & * _ + = ?)
- Passwords must not be used in the last 8 password changes.
- Passwords are case sensitive, while the user name (logon ID) is not case sensitive.
- Computers should not be left unattended with the user logged on. Users are required to lock their computers by pressing the CTRL-ALT-DEL keys and select "Lock Computer" before leaving their workstation. The use of any password protected screen saver IS PROHIBITED on any Town computer.

Violations

Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary the Town will advise appropriate legal officials of any illegal violations.

- The first violation will result in a one-week suspension from the use of the Internet
- The second violation will result in a one-month suspension from the use of the Internet
- The third violation will result in permanent suspension from the use of the Internet. (Only permission from the City Manager will re-instate the usage).

COMPUTER SOFTWARE

It is the intent of The Town of Pantego to comply with all copyright laws and software license agreements when acquiring, installing and using software on personal computers owned by the Town. In most cases, this involves purchasing one copy of each software package for each computer where the software is to be installed. No software is to be installed on Town PC's that has not been reviewed, approved and purchased by the Town. United States Federal Copyright laws protect software. This law protects the rights of a company producing software. For example, it is illegal to make or distribute copies of copyrighted material without authorization of the copyright owner (the only exception being the right of the user to make a backup copy for archival purposes). The copyright law makes no distinction between duplicating software for sale or for free distribution. Unauthorized duplication of software, often referred to as "Piracy", is a federal crime and is specifically prohibited by this policy statement.

The Software License Agreement

Purchasing software only means the company that produced the software has granted a purchaser a license to use it according to the terms of the license included in the software. When you open a software package, generally the media packages are sealed inside an envelope. The software license is usually printed on the outside of that envelope. Other companies print the license agreement in the manual. The Town does not have agreements with our vendors that supersede the terms and conditions of these license agreements. Town employees shall use the software only in accordance with the license agreement. The use of software produced by the Town also falls within the realm of copyright laws and must not be given away, loaned or sold to other individuals or government entities. If, after reviewing the terms and conditions contained in the software license agreement, you are unwilling or unable to comply with those terms, you must not use or install the software. Instead, contact the vendor who, in most cases, will take it back for a refund.

Sharing Software

It is a common misconception that software purchased by the Town may be installed on as many machines in the Town as desired. Unless the license specifically allows it, a given software package generally may be used on only one computer. A good rule of thumb is that you must have an original software license on file for each machine where a given software package is installed. The purchase of a single copy of a software package may allow that title to be installed on multiple machines in a department or in the Town. However, the license will usually state that the product may not be used on more than one machine simultaneously.

Employees learning of any misuse of software or related documentation within the Town shall notify their Department Head. Employees who make, acquire or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. The Town of Pantego does not condone the illegal duplication or use of software.

SOCIAL MEDIA POLICY

The use of social media on behalf of, or in the name of the Town of Pantego or any of its departments or agencies shall be governed by this policy. The use of social media on behalf of the Town is to communicate positively with citizens, tourists, or other seeking information about the Town, including its events, opportunities or other information.

The use of social media is an important part of the Town's image, and it is our responsibility to maintain and enhance the Town's public image.

All employees and all departments shall follow this policy. A department may use social media only with the approval of the City Manager. Only with approval from the City Manager will an employee enter information pertaining to the Town onto a social media site. Any unauthorized posting of information will result in disciplinary action up to and including termination of employment.

Creating a New Account or Posting on Town of Pantego Sites by Assignment Only

An account for the Town of Pantego shall only be created after receiving approval of the City Manager. Creation of an account will consider the terms of use, the cost, the staff time required to implement and maintain the site and other applicable considerations. Terms of use shall be reviewed by the City Attorney before creation of a site.

Only with approval from the City Manager will an employee enter information pertaining to the Town onto any of the Town's social media sites.

The inception or continuation of a social media site shall be governed by the City Manager or designee. All departmental pages will be approved by the City Manager or designee prior to initial posting and prior to updates.

Departments using social media shall monitor their sites at least once per business day. If the sites become interactive sites in the future, the method and time frame for response shall be established.

Posting on Other Sites by Approval Only

If an opportunity arises to post to a social media site (not a Town of Pantego site) in a manner that would be advantageous to the Town, the opportunity and proposed posting shall be submitted to the City Manager or designee for approval. Approval must be obtained from the City Manager or designee prior to posting on any other site on behalf of the Town. Any unauthorized posting of information will result in disciplinary action up to and including termination of employment

Applicability of Federal and State Laws

All applicable federal and state laws and City ordinances and policies will be followed in regard to posting material on social media sites.

All copyright, trademark and other intellectual property laws shall be followed. No logos, marks, markings, photographs, clippings, or other graphic or written content will be displayed unless it is original material belonging to the Town. If the material is not original material belonging to the Town of Pantego, the Town must have written permission from the owner of any copyright, trademark or other designation of intellectual property ownership.

At this time, there are no plans for the site to be interactive. If the site becomes interactive at a future date, all state laws shall be obeyed, including the Open Meetings Act. Annual memos shall be sent to elected and appointed members of the Town Council, Commissions, Boards, and other city bodies concerning the use of social media and possible Open Meetings issues.

TELEPHONE USAGE

Because a large percentage of our business is conducted over the phone, it is essential to project a professional telephone manner at all times.

Although the Town realizes that there are times when an employee may need to use the telephone for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such calls. Additionally, no long distance personal calls or activation of 1-900 numbers may be made on Town phones without prior approval from the employee's Supervisor. If long distance personal calls are made from Town phones or 1-900 numbers are activated for non-business related use, the employee will be expected to reimburse the Town for the expense of the call.

Unauthorized personal long distance phone usage, activation of 1-900 numbers for non-business related use and/or substandard customer service while on the phone may result in disciplinary action up to and including termination.

Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Town phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention.

The Town will not be liable for the loss of personal cellular phones brought into the workplace.

Town Cellular Phone Usage

Employees will be assigned cellular phones for use when it is necessary to conduct business in a timely and efficient manner. The use of technology, such as cellular phones, is covered more fully under the Town’s separate Technology Policy.

TRAVEL AND EXPENSES

These policies involving reimbursable expenses apply to all travel made by Town employees and other official representatives of the Town while conducting Town business or attending approved training programs outside of the limits of the Town of Pantego.

Only travel and/or training that have been approved in the Annual Town Budget will constitute approved travel/and or training. The Department Head must, specifically approve travel that has not been authorized in the annual Town budget.

As a general rule, the Town will reimburse all travel expenses, which are reasonable in amount and are ordinary and necessary when considering the purpose of the trip. Employees are expected to show good judgment in claiming travel expenses giving proper regard for economy while conducting Town business.

Reimbursable Expense Items

The following list of reimbursable expenses is intended as a guide, and is not necessarily all-inclusive. Discretion remains with each Department Head in approving travel expenses to provide for unusual circumstances.

The employee will be expected to select the mode of transportation, which will be most economical to the Town considering cost and time consumed. If the employee can save the Town substantial funds by going earlier or staying an extra day, the additional incurred expenses for hotel and food may be approved. Town vehicles will be utilized when feasible.

Public transportation will be used in those cases where it is most economical when considering travel time and other factors. When using air transportation, employees will normally travel in the coach section. Whenever possible, early booking is encouraged, if it will insure a discounted rate. Verification in writing of the savings on the airline tickets must be obtained from the travel agent. Analysis should include hotel and food costs.

When an individual uses a personal vehicle, he or she shall be reimbursed at the mileage rate currently allowed by IRS.

Employees will be paid per diem at a rate of $50 per day for meals and incidental expenses. If meals are provided by the conference/seminar, that portion will be deducted from the per diem rate paid accordingly:

- Breakfast $10
- Lunch $15
- Dinner $20
- Incidental Expenses $5

Employees will be paid 75% of the total allowable per diem for travel days going to and from training, conferences or seminars.

Expenses will be allowed for adequate lodging appropriate to the purpose of the trip. Receipts for lodging must be provided to obtain reimbursement.

Registration Fees are reimbursable. A receipt or some other proof of the fee, such as a copy of the registration form setting forth the rate shall be provided.

Charges for telephone, fax and other forms of telecommunication messages will be allowed within reason.

Charges for car storage, car rental, taxis and other miscellaneous expenses will be allowed for reimbursement if reasonable, ordinary and necessary. All such charges are to be supported by receipt when a receipt is normally made available, such as for car rental.

Non–Reimbursable Expense Items

The expense of any Town employee not specifically traveling on Town business will not be reimbursed. In those instances where use of personal cars for traveling beyond 500 miles is allowed for the convenience of the employee, lodging, meals, and other expenses will be allowed on the same basis as if the employee had traveled by air. In the case where the Travel and Expense Report is not returned or when there are no adequate receipts attached, the amount of the advance or calculated remainder will be added to the employee's W-2 taxable wages for the advanced fund.

Travel Expense Report Procedure

All Employees must complete and sign a Travel Expense Report within one week of return and forward it to their Department Head.

Department Heads will review the Travel Expense Reports and, if approved, sign and forward the originals to the HR Department for processing and review within five (5) working days after receipt from employee.

The City Manager must approve and sign all Department Head's Travel Expense Reports.

The HR Department reviews and processes Travel Expense Reports. The Town Secretary is responsible for completing and submitting all Town Council members Travel Expense Reports to the HR Department within ten (10) working days of return. The Town Secretary reviews the Travel Expense Reports to ensure that expenses have been appropriately documented with receipts.

Overnight Travel

Travel that keeps an employee away from home overnight is designated as "travel away from home." Travel away from home is paid work time when it "cuts across the employee's work day." This is because the employee is deemed to be simply substituting travel for other duties. The time is not only hours worked on regular workdays during normal work hours, but also during the corresponding hours on non-work days. Time that is spent in travel away from home outside of regular working hours as a passenger on a plane, train, boat, bus or car does not count as paid work time.

USE OF TOWN VEHICLES

This policy establishes guidelines for all Town of Pantego employees governing the assignment, use and reporting requirements of Town vehicles or equipment including use of Town and personal vehicles to conduct bona fide Town business, take home vehicles, and maintenance and assignment of Town vehicle or equipment. This policy implements both federal and state mandated regulations and Town policies and procedures.

Use of Town Vehicle or Equipment

Town vehicles will only be operated by employees of the Town who possess a valid Texas Driver's License, plus other licenses or certifications as required by law dependent upon the employee's job responsibilities and licensing requirements as outlined in the employee's job description. Employees are responsible for immediately notifying the Town if their driver's license is suspended.

Red Light Camera Enforcement Program - Employees are required to notify the appropriate level of management (as established in each department) of any violations or summonses received while in possession of, or while operating a Town vehicle, to include running a red light camera.

The Department Head will conduct an internal investigation to determine the circumstances surrounding the violation and determine if any mitigating circumstances exist that would justify the violation. Mitigating circumstances may include but are not limited to: slick roads due to ice, snow and/or rain, yielding to an emergency vehicle, responding to an emergency that would normally necessitate proceeding through an intersection against a red light, performance of maintenance of a signal light, etc.

An employee found liable for the violation may be subject to internal disciplinary action as determined by the affected employee's Department Head in accordance with that department's procedures and the Town's personnel policies. Disciplinary action for these violations may be as follows:

Offense Number	Disciplinary Action
First Offense	Written warning
Second Offense	Written warning+1 day suspension

Third Offense	Written warning+2 day suspension
4+ Offense(s)	Additional disciplinary action up to and including termination

NOTE: The above chart references offenses that occur within a rolling twenty four (24) month period of time.

If an employee receives a Red Light violation citation in another Town while driving a Town vehicle, the employee will be responsible for paying any fines associated with the violation in addition to being subjected to disciplinary action up to and including termination.

Only Town employees or vendors approved by the Department Head are authorized to operate a Town vehicle. In addition, non-Town employees or other Town employees will not be allowed as passengers in Town vehicle except in cases where they are conducting Town business with Town staff, a take home vehicle has been authorized for personal use by the City Manager or when an emergency medical situation arises where it would be unsafe for the employee to operate the vehicle.

All drivers and Town business travelers in on-road vehicles must wear seatbelts and obey traffic laws. Airbags should not be rendered inoperable on vehicles. Employees will be responsible for paying any fines associated with violation tickets received while operating a Town vehicle.

Employees are discouraged from using a cell phone for voice communications, texting or emailing while driving a Town vehicle. Employees who need to use a cell phone while operating a Town vehicle are strongly encouraged to pull off of the road and safely stop the vehicle before accepting or placing a call. In accordance with State law, employees may not use a cell phone in school zones when such zones are designated active. Employees will be responsible for paying any fines associated with cell phone ticket violation(s).

Employees are strictly prohibited from operating a Town vehicle or equipment with any detectible alcohol or illegal drugs in their system; and are likewise prohibited from using prescription or over the counter medication that might impair their ability to safely operate a motor vehicle or equipment. Employees, other than a certified peace officer, are also prohibited from carrying a weapon in a Town vehicle. All Town vehicles are subject to searches in the workplace as deemed appropriate by management.

In case of an accident, the employee driving the vehicle will immediately notify the appropriate department Supervisor, (the department Supervisor in turn will notify the City Manager) and the nearest Police Department to report the accident and complete a full accident report. Copies of the report should be submitted to the employee's Supervisor who will forward it to the City Manager. Employees involved in a vehicle accident may be required to submit to a for-cause drug and alcohol test within four (4) hours of the accident in accordance with the drug free workplace policy.

Employees assigned a Town vehicle must comply with any preventative maintenance programs that may be required by the Town. Vehicles and equipment shall be kept free of litter and debris. The physical appearance of the vehicle or equipment must create a positive impression. Town vehicles or equipment will not be altered in any way without first obtaining written approval of the appropriate Department Head. No Town vehicle or equipment will have any stickers, posters, signs or any other similar attachment placed on or affixed to it unless previous written approval has been obtained. All Town vehicles owned, managed and operated by the Town are designated as tobacco free, as such use of any smokeless tobacco products are strictly prohibited.

Assignment of Town Vehicles

Town vehicles will be assigned based on the recommendations of the Department Head with City Manager approval. Vehicles may be taken home by employees when the vehicle is equipped with tools and/or instrumentation that are essential in an emergency response situations and the employee responds directly to the scene of the emergency and is trained to use the tools and equipment. If response is on a rotation basis, each employee will only take home the vehicle when in "on-call" status. The decision to assign a vehicle to an employee

will be based upon efficient and effective service delivery provided by the employee assigned to the vehicle and on overall Town services delivery.

Aside from providing Town services and conducting Town business, Town vehicles may not be used for personal business unless approved by the City Manager, unless the vehicle is assigned to a public safety employee who has authorization for personal use by the City Manager, or when use of the Town vehicle is for overnight and/or out of town travel as outlined in the Town's travel policy.

All employees' assigned daily use of a Town vehicle (that is not a take home vehicle) will perform a "walk around" of the vehicle to see if there are any visible problems prior to it being driven. If problems are noted or if the vehicle appears to be malfunctioning, employees should not operate it. Employees are also responsible for safeguarding Town-issued equipment associated with their assigned vehicle. This includes, but is not limited to, issued equipment that is normally left in assigned vehicles. If any equipment is subsequently stolen/missing, and it is evidenced that an employee failed to safeguard the equipment the employee will be subject to repay the Town for the stolen/missing equipment and subject to disciplinary action up to and including termination.

When an assigned vehicle is not in business use, it should be properly secured, and if not parked on Town property, when possible, parked in a private drive or in a designated parking area.

Each Town Department is responsible for documenting which employees are assigned use of a Town vehicle and maintaining a comprehensive inventory of Town equipment assigned to each Town vehicle. The employee assigned a vehicle with Town equipment will be responsible for both the vehicle and the equipment maintained in that vehicle.

Use of Private (Personal) Vehicles While Conducting Town Business

Any personal vehicle used to conduct Town business must, at a minimum, have personal automobile insurance coverage, a current state safety inspection sticker and current license plates for the vehicle consistent with Texas Statutes. Employees are required to use a Town vehicle whenever possible when conducting bona fide Town business.

The Town will follow all current Internal Revenue Service (IRS) guidelines (to include any amendments as they are issued) pertaining to personal use of Town vehicles and income taxation

If there is no Town vehicle for local travel, and the employee utilizes his or her personal vehicle, the reimbursement rate will be based on the current mileage rate allowable by the IRS multiplied by the number of miles driven or the approved round-trip commercial coach airfare, plus transfers, rental car (if applicable), whichever is the lower amount.

If an out of town vehicle is available and the employee chooses to use his or her personal vehicle, the reimbursement rate will be the number of miles driven multiplied by 60 percent of the current rate allowable by the IRS or the approved round-trip commercial coach airfare, plus transfers, rental car (if applicable), whichever is the lower amount. This percentage will be reviewed periodically and will vary depending on the replacement cost of vehicles and the allowable IRS mileage rate.

All drivers and Town business travelers in an employee's personal vehicle must wear seatbelts and obey traffic laws. Airbags should not be rendered inoperable on vehicles so equipped. Any traffic citations incurred by an employee while driving a personal vehicle will be paid for by the employee responsible for the violation.

In case of an accident, the employee driving the vehicle will immediately notify the appropriate department Supervisor, (the department Supervisor in turn will notify the City Manager) and the nearest Police Department to report the accident and complete a full accident report. Copies of the report should be submitted to the employee's Supervisor who will forward it to the City Manager. In this instance, the employee's personal automobile insurance becomes the primary insurance and the Town's general liability insurance becomes the secondary insurance source.

Employees involved in a vehicle accident may be required to submit to a for-cause drug and alcohol test within four (4) hours of the accident in accordance with the drug free workplace policy.

OFFICIAL CLOSING OR DELAYED OPENING

All employees, non-emergency (administrative and clerical personnel) and Emergency Services personnel, are expected to make an effort to report to work at the beginning of the normal working times regardless of weather conditions. However, if a non-emergency employee is concerned that driving conditions such as ice or snow, present a danger to his/her life or property, he/she may use a vacation day, compensatory time or take leave without pay. Employees must notify their Supervisor prior to the scheduled time to report in, or as soon as possible thereafter. If a non- emergency employee is unable to report for work on a bad weather day, he/she is required to contact his/her Supervisor prior to the time he/she is scheduled to report or as soon as possible thereafter. Department Heads are responsible for designating those Emergency Service personnel who are required to be on the job.

Emergency Service Personnel Definitions

Emergency Service personnel are police, fire, water, sewer, streets, parks and dispatchers. These employees are required to be on the job regardless of weather conditions.

Employee Compensation

The City Manager, after concurrence with the Mayor, Mayor Pro Tem or two Town Council members, may declare Town administrative offices officially closed or delayed in opening.

In the event the City Manager declares an official closing or delayed opening day, he/she will notify all Department Heads who, in turn, will pass on the information to Supervisory staff. If this should be the case, employees will be so advised and paid their regular pay for the day or for the portion of time that Town offices were delayed in opening.

USE OF TOBACCO POLICY

The Town of Pantego strives to provide a healthful, safe, and comfortable working environment for all employees and visitors. The use of any tobacco products by employees and visitors is therefore prohibited throughout all facilities and vehicles owned, managed and operated by the Town. Employees and visitors who wish to partake of tobacco products must therefore leave the building and use only designated areas outside which have appropriate smoking waste disposal receptacles. Employees are permitted to leave the building to smoke only during scheduled break times.

WHISTLEBLOWER POLICY

The Town of Pantego will investigate any possible fraudulent, illegal or dishonest conduct by any employee up to and including the City Manager. Anyone found to have engaged in fraudulent, illegal or dishonest conduct is subject to disciplinary action by the Town of Pantego up to and including termination and/or civil or criminal prosecution.

All employees are encouraged to report possible fraudulent, illegal or dishonest conduct (i.e. a whistleblower). An employee should report his or her concerns to his or her Supervisor, manager or Department Head. If for any reason an employee finds it difficult to report his or her concern to those individuals, the employee may report it to any member of management, the City Manager, HR, or the City Attorney.

Whistleblower Protection

The Town will protect whistleblowers as defined below:

- The Town will use best efforts to protect whistleblowers against retaliation, as described below. There is no guarantee of confidentiality and there is no such thing as an "unofficial" or "off the record" report. The Town will keep the whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow the Town or law enforcement to investigate or respond effectively to the report; (3) identification is required by law or; (4) the person accused of wrongdoing is entitled to the information as a matter of legal right in disciplinary proceedings.
- Employees may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment (including but not limited to threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages). Whistleblowers who believe that they have been retaliated against may file a written complaint with a Reporting Party. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including termination, against the retaliating person. This protection from retaliation is not intended to prohibit management from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must avoid Baseless Allegations. Employees making Baseless Allegations may be subject to disciplinary action up to and including termination and/or legal claims by individual's accused of such conduct.

Additional Resources for Assistance

Employees who have questions regarding this policy may contact their department management team or HR for clarification. Employees who wish to express a concern under the Whistleblower Policy may do so to:

- Any Supervisor, manager or Department Head
- HR Department
- The City Manager
- The City Attorney

Implementation Procedures

An employee should report his/her concerns to his/her Supervisor, manager or Department Head. If for any reason, an employee finds it difficult to report his/her concern to those individuals, the employee may report it to any member of management, the City Manager, HR Department or to the City Attorney.

The Town will conduct or direct the investigation of all suspected fraudulent, illegal or dishonest conduct in consultation with such Town officials as may be necessary or appropriate. Cases involving possible violations of criminal law will be investigated in cooperation with the Police Chief or his/her designee.

VII. LEAVING THE TOWN OF PANTEGO

RESIGNATIONS

While we hope that the employee/employer relationship with all employees is prosperous and mutually beneficial, there are times when employees decide to voluntarily terminate their employment.

Employees are encouraged to provide a minimum of two (2) weeks' notice upon resignation of employment and be at work during the last week of employment with the Town.

All benefit and other payouts will be paid on the employee's final paycheck.

Payment of Vacation Leave

Since employees can carry up to 240 hours for Regular Employees and 364 hours for Fire Personnel, upon termination of employment employees will be paid for unused vacation time.

Payment of Sick Leave

Sick Leave is not payable upon termination of employment whether or not the resignation is voluntary or involuntary.

Payment of Longevity Pay

Longevity pay is not payable upon termination of employment whether or not the resignation is voluntary or involuntary. Longevity pay is only payable once a year in December.

Compensatory Time

Compensatory Time for non-exempt employees is payable upon termination of employment whether or not the resignation is voluntary or involuntary.

Holiday Pay

Accrued Holiday pay is payable upon termination of employment.

Miscellaneous

Employees are required to turn in all Town issued equipment (i.e., radio, cell phone, pager, keys, etc.); Town issued identification card and uniforms on their last day of employment. Final paychecks will not be given to an employee until all Town issued items are returned to the Town in the condition in which the items were issued.

It is important that the employee schedule an exit interview with HR prior to the last day of work. This is necessary so that the employee may receive information regarding continuation of certain benefits and important information regarding retirement and deferred compensation accounts.

The employee's final paycheck will be mailed to the address on file at the Town if the employee does not have direct deposit at the time of resignation. If the employee has direct deposit (at the time of resignation), the final paycheck will be direct deposited to the employee's banking institution on file with payroll.

DISMISSAL/JOB ABANDONMENT

While we hope that the employee/employer relationship with all employees is prosperous and mutually beneficial, there are times when the Town must terminate the employment of employees for violation of policies, substandard job performance and other such reasons. All benefits and other payouts will be paid on the employee's final paycheck.

Payment of Vacation Leave

Since employees can carry up to 240 hours for Regular Employees and 364 hours for Fire Personnel, upon termination of employment employees will be paid for unused vacation time.

Payment of Sick Leave

Sick Leave is not payable upon termination of employment.

Payment of Longevity Pay

Longevity pay is not payable upon termination of employment whether or not the resignation is voluntary or involuntary. Longevity pay is only payable once a year in December.

Compensatory Time

Compensatory Time for non-exempt employees is payable upon termination of employment whether or not the resignation is voluntary or involuntary.

Holiday Pay

Accrued Holiday pay is payable upon termination of employment.

Miscellaneous

Employees are required to turn in all Town issued equipment (i.e.: radio, cell phone, pager, keys, etc.), Town issued identification card and uniforms when the Town dismisses them from employment or when they abandon their job. Final paychecks will not given to an employee until all Town issued items are returned to the Town in the condition that the items were issued in (excluding wear and tear).

HR will contact the terminated employee by mail to provide them with detailed information regarding continuation of certain benefits and important information regarding retirement and deferred compensation accounts. By law, there are very strict deadlines that the employee must respond to regarding this information.

The employee's final paycheck will be mailed to the employee. If the employee is utilizing direct deposit at the time of dismissal/job abandonment, payroll will stop the direct deposit prior to the issuance of the last payroll check. The employee may contact the Department Head to make alternative arrangements to pick up the check if so desired.

DEATH OF AN EMPLOYEE

It is the sincere hope of the Town that it is never faced with dealing with the death of an employee. However, in the event that this would occur, the following information would apply.

Benefit and other Payouts

The legal spouse or primary beneficiary on file with the HR Department would receive the employee's final paycheck. The employee will be paid through the end of the pay period.

All benefit and other payouts, including any time worked by the employee during the final pay period would be paid on the employee's final paycheck.

For the purpose of this policy, a common law marriage would not be recognized for the definition purpose of a legal spouse.

Payment of Vacation Leave

Since employees can carry up to 240 hours for Regular Employees and 364 hours for Fire Personnel, upon termination of employment employees will be paid for unused vacation time.

Payment of Sick Leave

Sick Leave is not payable upon termination of employment.

Payment of Longevity Pay

Longevity pay is not payable.

Compensatory Time

Compensatory Time for non-exempt employees is payable.

Holiday Pay

Accrued Holiday pay is payable.

Workers' Compensation Benefits

In the event that an employee dies as a result of an injury at work or from an exposure received while on duty, workers' compensation benefits could be paid. The HR Department would be responsible for contacting the deceased employee's beneficiary or legal spouse to discuss and assist in coordinating this benefit.

Life Insurance Benefit

Once the HR Department receives information that an employee has become deceased, a representative from that department will contact the designated beneficiary(s) to discuss and coordinate benefit options and payouts.

Continuation of Specific Benefits

Once the HR Department receives information that an employee has become deceased, a representative from that department will contact the employee's eligible dependent(s) to discuss and coordinate insurance benefits continuation options. By law, the employee's eligible dependent(s) would be eligible to continue the following coverage, under COBRA laws, by paying 100% of the premium plus a 2% administration fee:

- Health insurance
- Dental Insurance
- Dependent vision Insurance
- Dependent life insurance

Retirement Plan

Once the HR Department receives information that an employee has become deceased, a representative from that department will contact the designated beneficiary(s) to discuss and coordinate benefit options and payouts.

Additional Benefit Information for Police and Fire Employees

In the event that a police or Fire employee is killed in the line of duty, there are additional state and federal benefits available to the deceased employee's family members. A representative from the appropriate department would contact the deceased employee's spouse or legal beneficiary to discuss and coordinate these benefits.

EXIT INTERVIEW

Before an employee leaves his/her employment with the Town, it is strongly suggested that an employee schedule an exit interview with HR. The exit interview consists of two parts.

The first part is a voluntary questionnaire that addresses the employee's work environment, treatment by management staff and any concerns that a departing employee may have. The purpose of this questionnaire is to assist management in providing a quality work environment for Town employees and to address any of the potential

concerns that the departing employee may have had. Again, this is a voluntary process and no employee will be forced to answer these questions if they do not want to.

The second part of the exit interview is the discussion of insurance benefit continuation options, under COBRA laws or the Town's retirement policy, and discussion of Retirement. It is extremely important that HR staff discuss these options with employees. In the event that an employee does not or is not required to schedule an exit interview with HR, this information will be mailed to the employee's address on file.

RETURN OF TOWN ISSUED EQUIPMENT AND UNIFORMS

Each department is responsible for ensuring that employees return Town issued equipment (i.e., radio, cell phone, pager, keys, etc.), uniforms, employee identification badge and any other designated items issued to employees.

Failure to return any Town property upon termination of employment or when requested to do so by a member of management will result in the Town taking the necessary legal action to ensure that it's property is returned.

If an employee refuses a request to surrender Town property while employed, the employee will be subject to disciplinary action up to and including termination.

RETIREMENT RECOGNITION

Retiring employees who have served the Town for ten or more continuous years in a full or part-time employment capacity will meet the definition of "retirement" from the Town for the purposes of this administrative policy and will be eligible for appropriate Town-sponsored retirement recognition activities.

Employees who are retiring in lieu of discharge, under duress or while facing other disciplinary action or under criminal investigation will not be eligible for Town-sponsored retirement recognition activities.

Recognition Activities and Authorized Expenditures based on Tenure

Each department will be responsible for planning/coordinating retirement recognition activities for the employee who is leaving. The reception will be funded by the Department within the appropriate authorized expenditure.

Receptions will be open to all Town employees and conducted and "expensed" within the appropriate scope of the Town's policies.

Retiring employees will be recognized at a Town Council meeting to acknowledge their years of service to the Town and to present them with a financial token of their appreciation. The financial token will be based off the total number of years of service at a rate of $50 per year.

Glossary of terms and definitions
Glossary

Accident - Any on the job accident or near miss incident in which:

- Safety precautions were violated;
- Unsafe instructions or orders were given;
- Any person suffered injury which is reasonably expected to require medical attention;
- Town equipment, property, and/or premises (not including a vehicle) were damaged by the employee
- Town vehicles were damaged (any accident in a Town vehicle will require substance abuse testing when the damage is five hundred dollars ($500) or more as determined by a supervisor).

NOTE: This includes accidents in which a Town employee is driving a personal vehicle on Town business.

Within this definition, the following circumstances will be considered an exception to required testing unless there is other evidence to give reasonable suspicion:

Exceptions:

- Vehicle is properly and lawfully parked or stopped and is hit by another vehicle;
- Vehicle is damaged by flying debris, e.g. rocks, etc.;

Affinity - Two people related by marriage or the spouse of one of the people is related by consanguinity to the other person. Termination of a marriage by divorce or the death of a spouse terminates relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is treated as continuing to exist. A husband and wife are related to each other in the first degree of affinity. For other relationships by affinity, the degree of relationship by affinity is the same as the one by consanguinity. For example, if A and B are related to each other in the second degree by consanguinity, A's spouse is related in the second degree by affinity. Also for the purpose of this policy "affinity" applies to all step and in-law relationships within a family.

Alcohol - any beverage, mixture or preparation containing ethyl alcohol.

Alcohol testing in accordance with federal regulations means a test done through an Evidential Breath Testing (EBT) device approved by the National Highway Safety Administration. A certified Breath Alcohol Technician will perform the test. Any screening test result, that is less than a 0.02 blood alcohol concentration, will be considered negative. If the blood alcohol content is 0.02 or greater, a second confirmatory test must be conducted. When both tests reflect a blood alcohol content of 0.02 or greater, then the employee's test results are deemed to be positive. If breath testing is not available, then the test consists of blood or urine.

Appeal - the final level in the grievance procedure whereby the grievance is heard by the City Manager. The decision rendered by the City Manager is final and not subject to any other action by the Town.

Baseless Allegations - allegations made with reckless disregard for their truth or falsity or not made in good faith. Employees making Baseless Allegations may be subject to disciplinary action up to and including termination.

Bona fide Town business - conducting official Town business only. This does not include personal use or assignment of a take home vehicle as a benefit or as compensation.

CDL - Commercial driver's license as defined by the State of Texas.

Certification of the serious health condition - medical documentation that includes the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires

assistance and that the employee's presence would be beneficial or desirable. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

Cohabitation Arrangement - two employees living together in a consensual union when not legally married to one another.

Common Law Marriage - a man and a woman living together in a marital status without legal action.

Controlled Substance - a drug or substance listed in the Texas and Federal Controlled Substance Acts, the Dangerous Drugs Act and appropriate chapters of the Texas Health and Safety Code and includes, but is not limited to: marijuana, cocaine, narcotics, opiates, opium derivatives, inhalants, hallucinogens and other substances having either a stimulant or depressant effect on the nervous system, such as amphetamines or barbiturates.

Consanguinity - Two people related by virtue of one being a descendant of the other or if they share a common ancestor. An adopted child is treated as the natural child of the adoptive parent in this regard. The degree of relationship by consanguinity between a person and the person's descendant is determined by the number of generations that separate them. If a person and the person's relative are related by consanguinity, but neither is descended from each other, the degree of relationship is determined by adding the number of generations between the person and the nearest common ancestor of the person and the person's relative; and the number of generations between the relative and the nearest common ancestor.

Civil Law-Degrees of Relationship

1st	2nd	3rd
Child Parent	Grandchild Sister/Brother Grandparent	Great-grandchild Niece/Nephew Aunt/Uncle Great-grandparent

Direct Supervision – The management of an employee that occurs on a frequent and regular basis.

Disability - a physical or mental impairment that substantially limits one or more of an individual's major life activities (i.e., walking, talking, standing, sitting, etc.)

Dismissal - an involuntary termination; being fired.

Emergency Services - Fire and Police operations.

Employee's Total Monthly Salary - any amounts regularly paid as part of the employee's biweekly compensation (e.g. differential and incentive pay).

Family Illness/Injury - a medically documented illness or injury that requires a Sick Leave Bank member to provide care or assistance to an eligible family member. An eligible family member is the same as immediate family (spouse, child or parent.)

Fit for Duty - being physically and mentally fit to perform the essential functions of the job with or without reasonable accommodation.

Fit for Duty Physical - a medical examination performed by a qualified medical practitioner to determine whether employees can mentally and physically perform the essential functions and physical requirements of their job.

Fraudulent, Illegal or Dishonest Conduct - A deliberate act or failure to act with the intention of committing a fraudulent or dishonest act, in violation of the Personnel Policies, ordinances or other applicable law, or an illegal act. Examples of such conduct include, but are not limited to:

- Any illegal Act
- Forgery or alteration of documents;
- Unauthorized alteration or manipulation of computer files, policies or other official Town records;
- Fraudulent financial reporting;
- Pursuit of a benefit or advantage in violation of the Town's personnel policies as amended from time to time;
- Misappropriation or misuse of Town resources, such as funds, supplies, or other assets;
- Authorizing or receiving compensation for goods not received or services not performed; and/or,
- Authorizing or receiving compensation for hours not worked.

Gift - anything of economic value, regardless of the form, without adequate and lawful consideration.

Grievance - a claim by an employee that a violation, misinterpretation, misapplication, or disparity in the application of a written policy, regulation or procedure adversely affected the employee. It is also a departmental decision considered by the employee to be harmful, unfair, or discriminatory.

Husband and wife - Those who are legally married.

Immediate family - related in the first degree by consanguinity or affinity, common law marriage, and/or in a cohabitation living arrangement, as further defined in Chapter 573 of the Texas Government Code.

Interest - direct or indirect pecuniary or material benefit accruing to an employee as a result of a contract, transaction, zoning decision or other matter which is or is likely to be the subject of an official act or action by or with the Town, except for such contracts, transactions, zoning decisions, or other matters which by their terms and by substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

Intermittent leave - taking a day periodically when needed over the year or, under certain circumstances, reducing the workweek or workday, resulting in a reduced hour schedule.

Job Abandonment - any employee who "No-calls/No-shows" for three consecutive days will be considered to have voluntarily resigned his/her position with the Town. This resignation will not be considered in "Good Standing."

Maintenance and Trades Employee - Non-uniformed employees whose duties are primarily labor intensive either indoors or outdoors.

Military Active Duty Leave - Full-time duty in the active military service of the United States. This includes members of the Reserve Components serving on active duty or full-time training duty.

Military Training Leave - A tour of active duty which is used for training members of the Reserve Components to provide trained units and qualified persons to fill the needs of the Armed Forces in time of war or national emergency and such other times as the national security requires. The member is under orders that provide for return to non-active status when the period of active duty for training is completed. It includes annual training, special tours of active duty for training, school tours, and the initial duty for training performed by no prior service enlistees.

Nepotism - favoritism shown to a relative by employment on the basis of relationship.

Office, Technical and Professional Employees - Employees whose duties are primarily inside a Town facility or place of business or whose position is considered professional in nature.

Official Time Record - The time sheet that is submitted and approved by the Department Head and is turned into HR for payroll purposes.

Orders - Permanent instructions, issued in order form, that apply to individual members of a command.

Peripheral - A device that is attached to a host computer but not part of it, and is more or less dependent on the host. It expands the host's capabilities, but does not form part of the core computer architecture. Examples include: printers, image scanners, tape drives, microphones, audio speakers, web cams, and digital cameras, and smart phones.

Personal Vehicle - A vehicle that belongs to an employee.

Pre-Employment – The time after a conditional job offer has been made (the offer is withdrawn if the drug test results are positive). It also means prior to finalizing a transfer or promotion to a safety sensitive position that requires a CDL.

Primary Insurance means that the employee's personal automobile insurance will be primarily responsible for payment in the event that an employee is involved in a motor vehicle accident while conducting Town business.

Proof of the qualifying family member's call-up or active military service documentation is defined as a copy of the military orders or other official Armed Forces communication.

Random - An unannounced, unpredictable basis - just before, during, or just after performance of safety sensitive functions. The number of random alcohol tests conducted each year must equal twenty five percent (25%) of all eligible employees under this procedure; the number of annual random drug tests must equal at least fifty percent (50%) of such eligible employees. Random sample selection (employees and dates) for tests will be done with a computer program for statistical random validity.

Reasonable Accommodation – Modifying or adjusting a job process or a work environment to better enable a qualified individual or employee with a disability to be considered for a position or perform the essential functions of a job.

Reasonable Suspicion - A conclusion based on personal observation by any reliable and credible person of an employee's conduct (subject to corroboration, and documented in writing that would lead a reasonably prudent person to suspect that an employee is unable to satisfactorily perform his/her job duties due to use of alcohol, controlled substances, or inhalants. This includes information received from and confirmed in writing from a witness, subject to investigation by department management and/or HR.

Inability to perform may include, but is not limited to:

- A significant drop in the employee's performance level;
- Impaired judgment, reasoning, or level of attention;
- Behavioral change that detracts from performance.

Characteristics indicating reasonable suspicion may include, but are not limited to:

- A pattern of abnormal or erratic behavior;
- Physical symptoms such as glassy or bloodshot eyes, slurred speech, unsteady gait, poor coordination or reflexes;
- Odor of alcohol or marijuana;
- Unexcused absenteeism or tardiness to work and/or from breaks;
- On-the-job accidents or injury;
- Repeated instances of violations of conduct (Police/Fire);
- Excessive force complaints (Police);
- Discharge of a firearm-not to include firearms qualifications (Police);

- Direct observation of the use or possession of alcohol, controlled substances or inhalants.

Reporting Party - Any employee reporting fraudulent, illegal or dishonest activities. For the purpose of this policy the following individuals have been identified as in the Reporting Party:

- Any supervisor, manager or department head
- Any member of the HR Staff
- The City Manager
- The City Attorney

Return to Work Physical - A medical examination performed by a qualified medical practitioner (after an employee has been absent from work) to determine whether employees can mentally and or physically perform the essential functions and physical requirements of the job.

Safety Sensitive Function (for CDL only) includes driving, being on-call or on stand-by to drive a vehicle which is designed to carry sixteen (16) or more passengers and/or weighs twenty six thousand one (26,001) pounds or more; also included is the loading, inspecting, and/or working on the vehicle(s) in any way which could affect vehicular performance or safety.

Secondary insurance means that the Town's general liability will pay the remainder of a claim after the employee's personal (primary) insurance pays a claim.

Serious Health Condition - An illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility; or continuing treatment by a health care provider.

Social Media - A web-based tool for information sharing. At this time, it includes such sites as Facebook, MySpace, Twitter, You Tube, Flickr, and blogs.

Software Licensing - A legal instrument (by way of contract law) governing the usage or redistribution of software. All software is copyright protected, irrespective of whether it is in the public domain. It is common practice for software vendors to permit customers to 'try before they buy'. Unlicensed software is a major threat to an organization's Information Security because, not only does this jeopardize the legal position, it also threatens the data held on such systems as no support will be provided.

Tobacco products – A cigarette, cigar, smoking tobacco, including granulated, plug-cut, crimp-cut, ready ribbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette, chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing, snuff or other preparations of pulverized tobacco or any other article or product that is made of tobacco.

Town Equipment - Tools, apparatus, weapons, radios, etc. that is stored in a Town vehicle

Town Vehicle - Any motorized mode of transportation that the Town provides and requires a State issued license plate and /or a Texas issued driver's license to operate.

Town Vehicle with Equipment - Any mode of transportation that the Town provides, requires a State issued license plate and/or a Texas issued driver's license to operate that carries or stores Town tools, apparatus, weapons, radios, etc.

Under the influence - The condition existing after the voluntary introduction of any amount of alcohol, inhalant, or controlled substance into the employee's body or an alcohol concentration of 0.02 or greater as set by the U.S. Department of transportation in the Omnibus Transportation Employee Testing Act of 1991as amended.

Uniformed Employees - Employees who wear a uniform on a daily basis, regardless of their worksite or duties.

Whistleblower - An employee who brings forth an activity or claim, which that person believes, in good faith, to be fraudulent, illegal or dishonest.

Working Day – Monday through Friday.

Working Days - Any day of business excluding Saturday, Sunday or Town observed holidays. This does not include time that the responding individual is away from work on business, vacation, illness, etc.