CITY of MISSION

100 YEARS AND GROWING STRONG!

Personnel Policy Manual

Welcome Letter

Dear Employee,

We are glad you have chosen the All-America City of Mission as your place of employment. We extend to you a warm “welcome” and hope your employment with us will be a long and mutually beneficial one. Mission Statement: The City of Mission provides exceptional customer service through dedicated leadership and efficient use of resources to enhance the quality of life in our community. You will be part of this common goal.

The purpose of the Personnel Policy Manual is to establish policies and procedures to provide the City of Mission with a structured and consistent practice of personnel management. Please take the time to read and familiarize yourself with this manual. It contains important information about what is expected as a City employee and explanation of benefits. If you have any questions, please contact your Department Director or the Human Resources Department. We wish you success and hope you will have a satisfying and rewarding career with the City of Mission.

Sincerely,

Randy Perez

City Manager

PREFACE

The personnel policies of the City of Mission have been established in order to provide a guide to the personnel practices of the City of Mission and to ensure consistency of personnel decisions. It is the intention of the City of Mission to administer the personnel programs in a manner which complies with the letter and spirit of all applicable federal, state and local regulations. The personnel policies of the City of Mission are based on the following principles:

A. Nothing contained in this Personnel Policy Manual or in any other materials or information distributed by the City creates a contract of employment between an employee and the City of Mission. Employment is on an at-will basis. This means that employees are free to resign their employment at any time for any reason, and the City of Mission retains the same right. No statement to the contrary, written or oral, made either before or during an individual's employment can change this. No individual, supervisor, department director, or official can make a contractual agreement except for the City Manager. Such an agreement must be set forth in a written employment contract with the employee and signed by the City Manager.

B. The City of Mission is an Equal Opportunity Employer and will not discriminate against applicants or employees on the basis of race, religion, gender, national origin, age, citizenship, veteran status, disability, genetics, or other unlawful basis.

C. City employees shall abide by the policies and regulations established by the City of Mission, i.e. this Personnel Policy Manual, Safety Manual, Purchasing Manual, Police Department General Manual, Fire Department Standard Operating Procedures, and other functionally related city/departmental standard operating procedures, manuals, etc. Copies of the above documents are kept in each applicable department and are available for review by the employee.

D. Rates of compensation are established by the City's official classification and compensation plan.

E. The training and education of City employees is encouraged.

F. Employees providing efficient and exemplary service deserve recognition by supervisors and department directors.

G. The City of Mission will make every effort to provide employees with safe working conditions.

H. The City of Mission will strive to provide prompt attention in the handling of all personnel matters, including complaints, grievances and disciplinary action. Complaints and grievances are ultimately resolved by the City Manager. The City Council will not handle complaints or grievances filed by an employee.

I. In the event that any provision of the City's personnel policies shall conflict with state or federal law, then the state or federal law shall take precedence.

J. Any term indicating gender is used strictly for grammatical convenience and refers equally to both genders.

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Policy:	Purpose of Manual	**Policy No.**	100.01
Chapter:	100.00 Administration	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this manual is to provide all employees of the City of Mission with a written source of information about the personnel policies of the City. It is not the intent of this Personnel Policy Manual to be all-inclusive; rather, it is designed to provide guidelines on personnel polices throughout the City. Nothing herein shall restrict the City and its management staff from making decisions which are in the best interest of the City of Mission.

OBJECTIVES:

A. To establish standardized polices on issues that apply to all departments and divisions of the City.

B. To ensure that recruitment, selection, placement, promotion, retention and separation of City employees are based on employee's qualifications and fitness, and are in compliance with Federal and State laws.

C. To ensure, protect and clarify the expectations of and responsibilities of employees.

D. To provide for consistency in the treatment of employees.

E. To provide management with the information necessary to fulfill its responsibilities to employees.

F. To promote communication between department directors, supervisors and employees.

G. To provide policies that are readily available for reference.

CONTENT OF POLICIES:

In most cases, policies will contain the minimum of the following two sections:

1. Statement of Purpose – The City's overall statement of philosophy.
2. Procedures – The method of explaining a policy and how it will be implemented. This will apply to all employees unless specifically excluded in the policy or a special order of exception is approved and issued by the City Manager or excluded by Federal or State law.

PRECEDENCE OF POLICIES:

Operating departments/divisions may develop operational procedures for their areas. Such procedures will be in effect after approval of the City Manager. City ordinances, City resolutions, and federal and/or state laws will supersede the Personnel Policy Manual. In the event of an amendment of any ordinance, rule or law incorporated in the Personnel Policy Manual or upon which these provisions rely, these policies shall be deemed amended in conformance with those changes.

Policy:	Distribution of Manual	**Policy No.**	100.02
Chapter:	100.00 Administration	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to provide each employee and department with a copy of the Personnel Policy Manual.

PROCEDURES:

A. It will be the responsibility of the Human Resources Department to make available the Personnel Policy Manual to all employees and departments.

B. It will be the Department Directors responsibility to provide the Personnel Policy Manual in a location of general accessibility and to maintain and update the document, as is required by the issuance of any revisions.

C. All new or revised policies will be distributed by the Human Resources Department.

D. All employees shall be required to read, sign and date the "Personnel Policy Manual Acknowledgement" form (Appendix A – Non-Civil Service employees or Appendix B – Civil Service employees) stating the acknowledgement of their responsibility to read and comply with the policies contained in the Personnel Policy Manual and any revisions.

Policy:	Amendment of Policies	**Policy No.**	100.03
Chapter:	100.00 Administration	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

It is the intent of the City of Mission to provide Department Directors and other Senior Administrative Staff the opportunity to participate in the development of policies.

PROCEDURES:

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

B. This Personnel Policy Manual has been approved by the City Council of the City of Mission. Amendments of substance require approval by the City Council. General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. The City Manager may delegate authority to appropriate staff members to act on his behalf in the administration of this Personnel Policy Manual; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

C. No City of Mission supervisor is authorized to modify this Personnel Policy Manual for any employee or to enter into any agreement, oral or written.

DISTRIBUTION:

A. New and revised policies will be communicated on employee bulletin boards and posted on the City of Mission website at www.missiontexas.us.

B. All employees shall be required to sign and date the "Personnel Policy Manual Acknowledgement" form (Appendix A – Non-Civil Service Employees or Appendix B – Civil Service Employees) stating the acknowledgement of the revised policies and their responsibility to read and comply with the policies contained in the Personnel Policy Manual.

C. All employees are responsible for updating the Personnel Policy Manual in their custody.

Policy:	Applicability of Policies	**Policy No.**	100.04
Chapter:	100.00 Administration	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

This policy is designed to clarify the applicability of these policies to City employees.

PROCEDURES:

A. The policies contained in this Personnel Policy Manual shall apply consistently and uniformly to all employees, unless specifically excepted, who work for the City of Mission.

B. The policies contained in this Personnel Policy Manual take precedence over any departmental/division policies. This in no way is designed to prohibit or hinder each department/division from implementing internal operationing procedures that are applicable in their respective areas.

C. The Mission Police and Fire Departments are Civil Service departments. The policies in this Personnel Policy Manual apply to civil service employees except when these policies are inconsistent with the proper application of the Texas Local Government Code §143 of the State Firemen's and Policemen's Civil Service Law and/or the Fire and Police Department General Orders and Local Civil Service Rules.

D. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Personnel Policy Manual.

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

Policy:	Equal Employment Opportunity	**Policy No.**	100.05
Chapter:	100.00 Administration	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

This policy is designed to declare the City of Mission's commitment to the policy of Equal Employment Opportunity.

PROCEDURES:

A. The policy and intent of the City of Mission is to provide equal employment opportunity for all persons without regard to their race, color, religion, gender, national origin, age, citizenship, veteran status, disability, genetics, or other unlawful basis.

B. Any inquiries, questions, or complaints of discrimination in relation to the City's Equal Employment Opportunity policies or procedures may be reported or presented to any member of management. Complaints may also be directly reported to the Human Resources Department, which will oversee the review of said inquiry, question or complaint.

Policy: Americans With Disabilities Act	**Policy No.** 200.01
Chapter: 200.00 Employment Practices	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

To ensure compliance with the Americans with Disabilities Act (ADA), and Americans with Disabilities Act as Amended (ADAAA).

ADA AND ADAAA REQUIREMENTS:

A. The City of Mission offers equal employment opportunity to qualified individuals with a disability and strictly prohibits discrimination against qualified individuals on the basis of disability.

B. Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

C. Serious Health Condition/Disabilities: The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disability 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 a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Policy:	Demotions	**Policy No.**	200.02
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to provide the City of Mission the opportunity to assign (involuntary demotion) or the employee to request (voluntary demotion) to be assigned different job responsibilities with lesser degree of responsibility or required skill and lower compensation.

PROCEDURES:

A. With the concurrence of the City Manager, a Department Director may demote an employee to a lower rated classification administratively or as a form of discipline.

B. The pay of a demoted employee will be the same step in the lower pay grade as the step held before demotion. The salary of a demoted employee will be reduced in accordance with the reduction of their job duties and responsibilities and to maintain comparable pay with other employees serving in the same job.

C. An employee who reverts to their former position shall be paid at the rate paid prior to the promotion, unless there has been an across the board increase and/or increase in that specific job classification.

D. A demotion will not be approved if the employee is unqualified for the position to which demotion is recommended or if the demotion would require the layoff or termination of a regular employee in the lower-rated classification.

E. An employee may be administratively demoted for unsatisfactory job performance if a vacancy exists for which the employee is qualified. Nothing in this policy prevents the Department Director from terminating the employee for failure to meet performance standards.

F. An appeal may be made to the City Manager regarding an involuntary demotion.

G. Demotions of Civil Service employees shall be in accordance with the provisions of the Texas Local Government Code §143, Local Civil Service Rules and departmental policies.

Policy: Employment Classifications	**Policy No.** 200.03
Chapter: 200.00 Employment Practices	**Effective Date:** 10/12/2015

STATEMENT OF PURPOSE:

The purpose of this policy is to define the classifications of employees with the City of Mission.

A. CLASSIFICATIONS OF EMPLOYEES:

1. *INITIAL AND PROBATIONARY EMPLOYEE:*

   Initial Employee: A non-civil service, full-time or part-time employee during the first six (6) months of initial employment. Refer to *Initial Employment Period* policy.

   Probationary Employee: A civil service employee during the initial employment period as governed by the provisions of the Texas Local Government Code §143 and the City of Mission Local Civil Service Rules.

   Full-time employees are eligible for the City's full-time benefits package, subject to the terms, conditions and waiting period of each benefit program.

2. *REGULAR FULL-TIME EMPLOYEE:*

   An employee in a budgeted position with a scheduled work week of forty (40) hours or more who has successfully completed the initial employment period. Regular full-time employees are eligible for the City's full-time benefits package, subject to the terms, conditions and waiting period of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

3. *REGULAR PART-TIME EMPLOYEE:*

   An employee in a budgeted position who works less than thirty-two (32) hours per work week who has successfully completed the initial employment period. Regular part-time employees are not eligible for City's benefits package, with the exception of holiday pay. Regular part-time employees are required to participate in the Texas Municipal Retirement System (TMRS). Regular part-time employees who average a minimum of 30 hours per week in a 12-month period, will be eligible to purchase the medical plan and voluntary products.

4. *TEMPORARY/SEASONAL EMPLOYEE:*

   An employee who is hired part-time or full-time, for a specific period of time or a special assignment. Employment assignments in this classification are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Human Resources Director. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are **NOT** eligible for City health insurance benefits, TMRS, holiday or leave accruals. Temporary employees from a staffing agency are not eligible for City's benefits package.

5. *VOLUNTEERS:*

   Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer to the City without any expectation of compensation.

Volunteers are not paid and are not eligible for City's benefits package. Existing employees cannot volunteer to work in any other capacity at the City without approval from Human Resources.

6. *RETIREE:*

   An employee who has ceased working with the City upon meeting eligibility requirements of the Texas Municipal Retirement System.

7. *PERFORMANCE PROBATIONARY EMPLOYEE:*

   An employee, who due to performance or disciplinary issues, has been placed on a probationary period not to exceed six (6) months. During this period, the employee will be evaluated, pending a final decision from the Department Director regarding their continued employment with the City. The Department Director will provide the employee written notification of the Performance Probation status and the final decision made regarding the continued employment prior to the completion of the probationary period.

B. NON-EXEMPT/EXEMPT CLASSIFICATIONS:

All positions within the City are designated either "exempt" or "non-exempt" from overtime in accordance with federal and state wage and hour requirements. Employees are informed of their status as exempt or non-exempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or non-exempt classification may not be changed without written notification by the Human Resources Director and the City Manager's office.

1. *NON-EXEMPT EMPLOYEES:*

   Non-exempt employees are entitled to overtime pay or compensatory time off at the rate of 1 ½ for hours worked in excess of forty (40) in a work week. Refer to *Overtime/Compensatory Time* policy.

2. *EXEMPT EMPLOYEES:*

   Exempt employees are those who are not entitled to overtime compensation for work performed beyond forty (40) hours in a work week. Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

Policy:	Inclement Weather/Emergency Response	**Policy No.**	200.04
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

Except for extraordinary circumstances, City offices DO NOT CLOSE. Under City policy, non-exempt position employees are required to be at their places of work in accordance with work schedules established by their departments and are to avoid performing work that is unscheduled or non-directed, outside of such schedules, except in bona fide emergencies. Exempt position employees are required to work in their capacity at all times made necessary by the demand of their duties. However, in time of disaster or emergency, working hours are determined by the City Manager.

PROCEDURES:

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

B. When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel (non-essential employees who are scheduled to work during the time of closure) shall be required to utilize accrued leave to cover the lost hours for the time the offices/department is closed, unless otherwise authorized by the City Manager.

C. All non-exempt employees who are required to work during an inclement weather event, shall be paid at their regular rate until they exceed the overtime threshold.

D. Employees who are unable to report to work or who are unable to report to work on time, during an emergency, without endangering their personal safety, are required to follow established departmental procedures to report their absence or tardiness. Employees may charge missed time to compensatory time, vacation, or leave without pay. Regular full-time and regular part-time non-exempt employees who have no accrued leave time available will not be paid for the time missed.

E. In an emergency, employees who are on their day off and employees on leave, except employees on workers' compensation or on medical leave, shall return to work as needed and as instructed. These arrangements are designed to provide for the safety and well-being of citizens and members of the general public.

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

Policy: Initial Employment Period	**Policy No.** 200.05
Chapter: 200.00 Employment Practices	**Effective Date:** 10/12/2015

STATEMENT OF PURPOSE:

The initial employment period provides a specific time frame for supervisors to monitor, evaluate, and assist an employee in adjustment to service with the City and to a position in particular. Proper use of the initial employment period will result in identification and retention of those employees who demonstrate the skills and meet the performance levels required of the position. Successful completion of an initial employment period shall not be construed as guaranteeing continued employment or as creating a contract of employment.

PROCEDURES:

It is the policy of the City of Mission that all new non-Civil Service employees hired to fill regular full-time or regular part-time positions must satisfactorily complete an initial employment period of six (6) months up to a maximum of nine (9) months. This includes former City employees who are rehired.

The initial employment period assists the City in maintaining an effective, productive, and efficient workforce to provide quality service to the citizens of Mission. Only those employees who meet acceptable performance and other standards during their initial employment period will be retained as employees. Employees are considered to be in their initial employment period until they have actually performed their regular job duties for a period of from six (6) months up to a maximum of nine (9) months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

* Civil Service employees covered by the Texas Local Government Code §143 shall serve a probationary period as contained in the provisions within that code and the City of Mission Local Civil Service Rules.

A. Responsibilities

1. Department Director/Supervisor: is responsible for the implementation of this policy and will:

    - evaluate the job performance of the new employee during the initial employment period;
    - advise the employee of satisfactory or unsatisfactory progress and recommend areas for improvement if needed.
    - recommend action (a.) continued employment, (b.) a one-time extension of initial employment for an additional three (3) months, approved by the City Manager, or (c.) separation from employment.

Note: the Department Director may immediately dismiss an employee anytime during the initial employment period. The Department Director should do so if the employee fails to satisfactorily perform the duties of his/her position after receiving performance feedback notice of needed improvement or fails to comply with department or City work rules. The Department Director will forward a written decision concerning dismissal of the employee to the Human Resources Director.

2. Employee:

- Each employee is responsible for knowing, understanding, and meeting the expectations and standards of the position.
- Each employee is responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position.
- Each employee is expected to maintain acceptable standards of conduct in employment.
- It is the responsibility of the employee to correct any deficiencies or inadequacies in job performance or conduct.

B. Change in Assignment During Initial Employment Period

1. Employees may not request or make application for reassignment, promotion, or voluntary transfer during the initial employment period without recommendation from the Department Director and written approval from the City Manager.
2. If the reassignment, promotion, or transfer is approved, the employee will serve a performance period of six (6) months to a maximum of nine (9) months in the new position beginning with the date of the position change.

C. Leave During Initial Employment Period

1. During the initial employment period for non-civil service or probationary period for Civil Service employees, an employee is eligible to use sick leave and/or compensatory time for qualifying absences, as approved per established City policy.
2. An employee may not use any accrued vacation leave until completion of thirty (30) days of employment.

D. Extensions to Initial Employment Period: The initial employment period for non-civil service employees may be extended only under the following circumstances:

1. For time spent on an approved Leave of Absence including leaves of absences due to on-the-job injury or approved Military Leave. The approved extension will normally equal the length of time away from work.
2. Up to three (3) additional months may be granted by the City Manager upon recommendation of the Department Director.

Note: The performance probationary period for Civil Service may be extended only in compliance with Chapter 143 of the Local Government Code and Local Civil Service Rules.

E. Successful Completion: An employee is granted “regular” status in the position if the employee satisfactorily completes the initial employment period.

F. Failure of Initial Employment Period

1. An employee is considered to have failed the initial employment period when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position.
2. Failure of the initial employment period may occur at any time within the period. An employee in the initial employment period is not eligible to appeal disciplinary action.

Policy:	Job Vacancies	**Policy No.**	200.06
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

It is the City of Mission's policy to select, hire and promote employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to duties and responsibilities of a position without regard to race, color, religion, gender, national origin, age, veteran status, citizenship, disability, genetic information, or other unlawful basis.

PROCEDURES:

A. Recruitment

1. The Department Director shall notify the Human Resources Department when a vacancy occurs by submitting a "Request for Position" form. The Human Resources department will verify the position is a budgeted position and submit the form to the City Manager for approval. Once the "Request for Position" is approved, the Human Resources Department will prepare and post the Job Announcement. Each job announcement shall specify the job title, salary, and posting date.
2. The City of Mission strives to promote from within. Job vacancies will normally be posted internally for the benefit of any qualified employee. External postings may also be conducted during an internal posting.
3. The recruitment method for a vacant Department Director level position may be determined by the City Manager on a case-by-case basis.

B. Applications

1. Anyone seeking employment, promotion, transfer, or re-employment with the City must complete and submit an official Application for Employment for the position desired.
2. All information set forth on an application is subject to verification.
3. Applications will be considered active until the vacancy is filled. All applications for employment shall be processed through the Human Resources Department.

C. Hiring Process

1. Applicants for employment shall be required to submit to an oral interview. After making a decision to hire, the hiring department must submit the appropriate paperwork to the Human Resources department. Offers for City employment will be communicated by the Human Resources department upon receipt of the hiring recommendation and all related paperwork.
2. Applicant selected for employment will be required to submit to a pre-employment background check, drug testing, physical and pre-placement screening. The hiring of civil service employees is governed by Chapter 143 of the Texas Local Government Code and Local Civil Service Rules, to the extent that the process differs from that contained in this Policy.

3. All employees must meet requirements under the Immigration Reform and Control Act of 1986. All applicants for employment with the City must present proof of authorization to work in the United States.

D. Disqualifications–Applicants will be disqualified from consideration for one or more of the following:

1. Failure to meet the minimum qualifications necessary for performance of duties for the position.
2. The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation.
3. False statements or material omissions on the application or during the application process.
4. Failure to meet minimum age requirement of 17; or for Civil Service applicants failure to meet the state mandated age requirement for licensing.
5. The applicant commits or attempts to commit a fraudulent act at any stage of the selection process.
6. Failing any of the City's background and employment requirements including, but not limited to, drug/alcohol testing.
7. The applicant is not legally permitted to work in the United States.
8. Any other reason deemed to be in the best interests of the City.
9. If they previously worked for the City and were terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure.
10. If their employment will result in a violation of the City's Nepotism policy.

E. Civil Service

1. The hiring of Civil Service employees is governed by the provisions of the Texas Local Government Code, §143, the Local Civil Service Rules, Departmental Rules, Orders, and Directives to the extent that the process differs from that contained in this policy.
2. Any other reason prescribed by the Civil Service Commission, in the Local Civil Service Rules or Departmental Rules, Orders, and Directives.

Policy:	Medical Examinations	**Policy No.**	200.07
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

To clarify under what conditions a physical exam will be necessary for initial or continuation of employment. The City of Mission endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position.

PROCEDURES:

A. Pre-Employment: An applicant who is recommended for employment will be required to submit to a post job offer physical examination, pre-placement functional exam and drug/alcohol screening by a physician/ technician of the City's choice as a condition of employment. Employment with the City will be contingent upon the employee's ability to satisfy physical and mental requirements of the job, with or without reasonable accommodation.

B. Current Employees: The Department Director, with the prior written approval of the Human Resources Director and/or Risk Management Director, may require a current employee to undergo a medical, psychological, and/or drug/alcohol examination to determine (a.) fitness for continued employment, (b.) for promotion or for other personnel action, (c.) as may be deemed necessary in order for the City to provide a reasonable accommodation, (d.) following an injury or accident, (e.) and as otherwise permitted in accordance with applicable laws. Continued employment will be conditional upon the individual meeting the physical and mental requirements of the position.

C. Return to Work: Before returning to work following a medical and/or psychological examination, the employee must coordinate the return to work through the Human Resources department.

D. Fitness for Duty for Civil Service will be in compliance with Chapter 143 of the Texas Local Government Code and Local Civil Service Rules.

E. Time Off From Work: Time away from work for City ordered fitness for duty examinations will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, family and medical leave, and/or other leave as circumstances warrant.

Policy: Nepotism	**Policy No.** 200.08
Chapter: 200.00 Employment Practices	**Effective Date:** 07/09/2018

STATEMENT OF PURPOSE:

To prevent conflicts of interest and appearances of favoritism that results from appointment, reappointment, and/or supervision of an employee by a public official or supervisor, as per the Charter of the City of Mission.

DEFINITION:

Family means spouse, parent, parent-in-law, child, stepchild, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, aunt, uncle, niece, or nephew, related to the second degree of affinity (marriage) and third degree of consanguinity (blood).

PROCEDURES:

This policy applies to public officials and supervisors. No public official may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary or supervision of an employee or prospective employee in which the public official is related to such employee or prospective employee in the degrees described below. A supervisor may not oversee the job performance and/or job duties of an employee who is related to the supervisor in the degrees described below, regardless whether the supervisor has the authority to hire, fire, promote, or adjust the salary of the employee.

A. An individual related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, a Council member, or the City Manager, shall not be appointed to serve or be employed to any offices, position, or service of the City (this section does not apply to the appointment of advisory board members or volunteers, as per state law).
B. An individual related within second degree of affinity (marriage) or third degree of consanguinity (blood) shall not be hired into any position directly supervised by someone to whom the individual is related.
C. An individual related within the second degree by affinity (marriage) or third degree by consanguinity (blood) to a Department Director shall not be hired into a position within that department.

RELATIONSHIP BY CONSANGUINITY (BLOOD)

A. A public official or supervisor is related in a degree prohibited by this policy when the public official or supervisor is a descendant of an employee or prospective employee or if they share a common ancestor.

B. The following relationships by consanguinity are prohibited by this policy:

First Degree: is the parent or child of an applicant or an employee. An adopted child is treated as a natural child of the adoptive parents.

Second Degree: is the grandparent, grandchild, sister or brother of an applicant or an employee.

Third Degree: is the great grandparent, great grandchild, aunt, uncle, nephew or niece of an applicant or an employee.

RELATIONSHIP BY AFFINITY (MARRIAGE)

A. A public official or supervisor is related to an employee or prospective employee in a degree prohibited by this policy if the public official or supervisor is married to the employee or if their spouse is related by consanguinity (as defined herein) to the employee or prospective employee. Divorce or death of a spouse terminates relationships by affinity created by marriage unless a child of the marriage is living.

B. The following relationships by affinity are prohibited by this policy:
First Degree: (1) A public official or supervisor and the spouse are related in the first degree by affinity; (2) a public official's or supervisor's spouse's mother, father, son and daughter are related to the public official or supervisor in the first degree of affinity.

C. Marriage of Current Employees – In the event of a marriage between two City employees, promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of this policy.

OTHER RESTRICTIONS

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

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

B. Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee).

GRANDFATHER CLAUSE

The City is aware that, as of the effective date of this policy, a number of City employees are related, by blood or by marriage, to other City employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City. The "grandfathered" provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.

CONTINUOUS EMPLOYMENT EXCEPTION

A. This policy shall not apply to the confirmation or appointment of an individual to a position if the individual is employed in a position immediately before the election or appointment of the public official or supervisor to whom the individual is related in a prohibited degree and that prior to employment is continuous for at least:

- 30 days, if the public official or supervisor is appointed; or
- Six (6) months, if the public official is elected at an election.

B. If a person continues in a position under an exception, the public official or supervisor who is related to the employee shall not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation or dismissal of the employee, if action applies only to the employee and is not taken regarding a bona fide class or category of employees.

DISCLOSURE RESPONSIBILITY

A. Public officials and supervisors are required to fully disclose the existence of any relationship that may create conflict of interest at the time of employment, or that develops at any time during employment.

*Note: Please refer to Nepotism Chart (Appendix C).

Policy:	Outside Employment	**Policy No.**	200.09
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

City of Mission employees may engage in outside employment provided they receive prior written approval from their Department Director and the City Manager.

PROCEDURES:

A. For purposes of this policy, outside employment includes a job, activity, or enterprise (including self-employment) or business outside the responsibilities of employment with the City of Mission. This policy is not intended to cover volunteer work with a non-profit organization, faith based activities, or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

B. Employees may not accept outside employment that conflicts with the effective performance of the employee while on duty with the City of Mission, or conflicts in any way with the best interests of the City. Other outside activities that might similarly distract from an employee's ability to perform his or her job with the City are also discouraged.

C. An employee must submit an "Outside Employment Authorization" form to their Department Director. If approved, the Department Director will forward the form to the City Manager for final approval. The Department Director will then inform the employee of departmental guidelines.

D. Upon approval of outside employment, the employee shall execute an Outside Employment Agreement that such employee waives all rights to sick leave, or any other time off, in the event such employee is unable to perform the duties as an employee of the City because of accident, injury, or illness resulting from travel to or from, or performance of another job.

E. An employee will not be covered by the City's Workers' Compensation insurance while working for another employer unless the employee is required to perform official City employment activities while engaged in such outside employment.

F. Approval for outside employment as set out in this policy does not authorize an employee on family and medical leave, sick leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside employment, unless expressly authorized in writing by the Department Director and the City Manager.

G. Failure to follow outside employment guidelines may result in disciplinary action up to and including termination of employment.

Policy: Performance Evaluations	**Policy No.** 200.10
Chapter: 200.00 Employment Practices	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The performance appraisal system is designed to identify training needs, set goals, evaluate attainment of goals previously set, and help the individual employee meet the City's performance standards resulting in outstanding citizen service. Performance evaluations will provide necessary information for management decisions including career development and training, assignments, opportunities for advancement, transfers, disciplinary actions, retention and compensation. Some of the objectives of the performance evaluation include:

1. Assist supervisors in communicating job expectations.
2. Measure the employee's level of past performance.
3. Improve individual future performance.
4. Recognize employee achievements and exemplary performance.
5. Strengthen supervisor-employee relationship.

PROCEDURES:

A. ANNUAL PERFORMANCE EVALUATION

1. To facilitate the performance evaluation, an employee performance evaluation form will be used to evaluate the performance of the employee.
2. An Annual Performance Evaluation will be conducted for each employee. The evaluation period will be January through December of the previous year. The Annual Performance Evaluations will begin in January and must be completed no later than March 1. The Employee Performance Evaluation Non-Supervisory form will be used for employees that have no supervisory responsibilities and the Employee Performance Evaluation Supervisory form will be used for those employees who are supervisors.

B. PERFORMANCE EVALUATION RESPONSIBILITIES

1. Human Resources Director:
   a. will initiate the performance evaluation process in January.
   b. will maintain original performance evaluations in the employee's personnel file.
2. Department Supervisor:
   a. will complete the performance evaluation form for each employee supervised.
   b. will discuss the performance evaluation with the Department Director and acquire approval signature prior to discussion with the employee.
   c. will schedule the performance evaluation meeting with the employee and will meet with the employee to administer and discuss the performance evaluation.

d. shall strive to clearly communicate all elements of job performance, performance standards, accomplishments, strengths, developmental needs and goals.

e. shall provide the employee an opportunity to discuss what the employee feels is pertinent to the performance evaluation. This is the appropriate time for the supervisor to establish performance goals and clarify performance expectations for the next review period.

f. At the close of the meeting, the employee and supervisor shall sign and date the performance evaluation form. The employee will be given a copy of his performance evaluation. Employees are encouraged to address issues and concerns regarding their performance evaluation with their evaluating supervisor and/or write a response on the actual form either at that time or at a later date.

3. Department Director:

a. follow up to ensure all employee performance evaluations are completed in a timely manner.

b. review and discuss all performance evaluations with the supervisor prior to the supervisor administering the performance evaluation to the employee, in order to correct any errors and verify rating validity.

c. sign and date the performance evaluation once it is approved and return to the supervisor to administer to the employee.

d. after the meeting between the supervisor and employee, forward the original signed performance evaluation to the Human Resources Department to be retained in the employee's personnel file.

4. Employee:

a. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined.

b. Employees should come to the performance evaluation meeting prepared to discuss goals attained during the review period and for next review period.

c. Performance evaluation is a two-way communication process and both the supervisor and the employee are expected to participate in the process.

Policy:	Personnel Records	**Policy No.**	200.11
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

To maintain accurate, up-to-date employment records on all employees to ensure compliance with Federal and State regulations, to keep benefits information up-to-date, and to make certain that important mailings reach all employees.

PROCEDURES:

A. The Human Resources Department shall maintain the official personnel files for all active employees. Personnel files will also be maintained on inactive employees as required by law.

B. In order for a current personnel file to be maintained for each City employee, Department Directors and supervisors shall submit to the Human Resources Department an original form of all actions relating to employees under their control (i.e. commendations, disciplinary reports, performance evaluations, certifications, memo's, Employee Change of Status Forms, etc.).

C. In order for employee records to be maintained with current information, all employees are required to notify the Human Resources Department whenever there is a change of address, telephone number, or name. All employees shall submit a physical address (a P. O. Box address is not acceptable as a physical address). Additionally, employees are required to notify the Human Resources Department whenever there are changes in the following:

- Emergency contact
- Marital status
- Number of dependents
- Beneficiary
- Military status
- Moving vehicle citation
- Indictment and/or conviction

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

E. All information contained in the employee's personnel file is the property of the City and is not available to anyone other than the employee. However, upon request of the employee, Department Director, City Manager, or City Attorney, an employee's personnel file is available for inspection in the Human Resources Department in the presence of a Human Resources staff member, by appointment. At no time may an original personnel file or part thereof be removed from City Hall premises. Copies may be provided to employees and/or their representatives with written authorization. A minimum reasonable charge for copies will be required as established by the City Manager. Non-confidential portions of personnel records

will be released pursuant to the Public Information Act. Refer to *Release of Employee Information* policy.

F. Employees must complete an election form to either “open” or “close” their protected personal information from public access. The form is available at the Human Resources Department.

G. The City of Mission considers falsification of personnel records to be a serious offense and upon discovery may lead to disciplinary action up to and including termination of employment.

H. Personnel files maintained within each department are subject to the same provisions as those records maintained by the Human Resources Department.

I. Civil Service employee personnel files are governed by the provisions of the Texas Local Government Code §143 and Local Civil Service Rules.

Policy:	Promotions	**Policy No.**	200.12
Chapter:	200.00 Employment Practices	**Effective Date:**	10/12/2015

STATEMENT OF PURPOSE:

The purpose of this policy is to establish guidelines for career advancement of City employees.

PROCEDURES:

A. Employees are encouraged to develop their qualifications for increased responsibility and based thereon, seek promotion when vacancies occur in higher rated classifications. A current employee of the City may apply for a posted vacant position. The employee will be required to submit an Internal Application to the Human Resources Department. Depending upon the requirements of the position, internal and external applicants may be concurrently interviewed in the selection process.

B. The City's policy is to hire the best qualified person for the job. Promotions shall be based on qualifications, proven performance, and the ability to perform the duties and responsibilities of the position. When qualifications of an external applicant and an internal applicant for a position vacancy are deemed equal, preference will be given to the internal candidate. A Department Director is not required to advertise a vacancy if a qualified employee will be promoted to fill said vacancy.

C. The employee's current Department Director and the Department Director of the department to which promotion is sought will recommend promotions to the City Manager. The City Manager will make the final decision concerning a promotion. If an employee is selected to fill the vacancy, the Human Resources Department shall contact the employee's current department to establish a mutually agreed-upon transfer date. The department may require the employee to give a "two-weeks' notice". Promotions shall be effective the first day (or Monday) of a payroll period. The Human Resources Department will initiate an Employee Change of Status form to process the promotion for the employee.

D. A promoted employee must satisfactorily complete a performance period of six (6) months up to a maximum of nine (9) months in the new position. If the Department Director decides not to retain the promoted employee in the new position at any time during the employee's initial six (6) months in the position, the Department Director will give written notice of this decision to the City Manager and the employee. The City Manager will then decide whether to terminate the employee or offer the employee a demotion or transfer, if an appropriate position is available. An employee who reverts to their former position shall be paid at the rate the employee was paid prior to the promotion, unless there has been an across the board increase and/or increase in that specific job classification.

E. *Temporary assignments* may be authorized to ensure the proper performance of City functions if a position is vacant or the regular employee is absent. Temporary assignments are not intended to be promotions and shall not be used to circumvent the normal selection process. The employee appointed shall not acquire any preferential status or rights to the position to which they are temporarily assigned.

F. Employees in their initial employment period are not eligible for promotion. Exceptions may be granted by the City Manager when such promotion is in the best interest of the City.

G. Promotions of Civil Service employees shall be determined in accordance with the provisions of the Texas Local Government Code §143 and the Local Civil Service Rules.

Policy:	Re-Employment	**Policy No.**	200.13
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to describe policy regarding eligibility for re-employment of Immediate Past Employees.

PROCEDURES:

A. Immediate Past Employee is a previously employed non-civil service "regular employee" (full or part-time) of the City of Mission who is re-hired within one (1) year of separation with the City of Mission. Upon being selected for the same position (or equivalent in pay grade, expertise, and type of responsibilities, skill requirements, etc.), which he/she held prior to separation from employment, the immediate past employee may upon request of the Department Director and the approval of the City Manager, be placed into the pay grade which was held prior to separation.

   Note: Re-employment for civil service personnel is governed by the provisions of the Texas Local Government Code, §143 and the Local Civil Service Rules.

B. An Immediate Past Employee who is hired for a regular full-time position, will be subject to the waiting period for City sponsored benefits. Refer to *Insurance* policy.

C. Employees who leave the City to enter active duty or for active duty introductory with the Armed Forces of the United States, shall be eligible for reinstatement in accordance with applicable Federal and State law. Refer to *Military Leave* policy for military personnel seeking re-instatement / re-employment.

Policy: Reclassification of Positions	**Policy No.** 200.14
Chapter: 200.00 Employment Practices	**Effective Date:** 10/12/2015

STATEMENT OF PURPOSE:

The purpose of this policy is to present the method by which a position in the City of Mission may be reviewed for reclassification of exemption status and/or pay grade when the duties and responsibilities of that position change to a significant degree.

PROCEDURES:

Changes in the classification of a position should be a component of the City's normal budgeting process.

1. The Department Director shall initiate the request for a change in position classification.
2. The Department Director must also provide supporting documentation.
3. A Personnel Committee appointed by the City Manager will review the request.
4. After evaluating the request for change, the Personnel Committee will make a recommendation to the City Manager concerning the need for the reclassification.
5. The City Manager will make the final decision concerning the reclassification.
6. An employee in a position which is reclassified may be required to satisfactorily complete a performance period of six (6) months up to a maximum of nine (9) months.

Policy:	Release of Employee Information	**Policy No.**	200.15
Chapter:	200.00 Employment Practices	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to protect the confidentiality of the employee's personal employment record.

PROCEDURES:

A. All inquiries must be submitted in writing.

B. Upon receipt of a Public Information Request, information released will be pursuant to that allowed as per the Public Information Act.

C. Upon receipt of an Employment Verification, either during employment or after the employee's employment has ended, it is the City of Mission's policy to provide only the following, unless otherwise authorized in writing by the employee:

1. Dates of employment
2. Job title

D. Release of any personnel information by another employee, other than the Human Resources or City Secretary Department (pursuant to a Public Information Act response), is strictly prohibited. Violations will lead to disciplinary action up to and including termination of employment.

E. No other information will be released about an employee without written authorization from the employee except what is required to comply with the applicable law.

Policy: Searches	**Policy No.** 200.16
Chapter: 200.00 Employment Practices	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

To advise employees that there is no expectation of privacy from searches conducted by the City.

PROCEDURES:

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

B. All searches must be authorized by the City Manager and conducted under the direction of the Human Resources Director / Deputy City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination of employment.

Policy:	Transfers	**Policy No.**	200.17
Chapter:	200.00 Employment Practices	**Effective Date:**	10/12/2015

STATEMENT OF PURPOSE:

The purpose of this policy is to provide for lateral changes in jobs within the City so as to provide for better operations. Transfers may be initiated by the employee or the City.

PROCEDURES:

A. When it is determined to be in the best interest of the City, and when a vacancy exists in a budgeted position, employees may be transferred between divisions of the same department, with the approval of their current Department Director. An employee may be transferred from one department to another department when approved by the current Department Director and the Department Director of the receiving department. An employee may be transferred within or between divisions of the same department or between departments at the City Manager's sole discretion.

B. Any transfer or reassignment to another department requires the approval from the employee's Department Director, the receiving Department Director, and the City Manager.

C. A transferred employee may be required to satisfactorily complete a performance period of six (6) months up to a maximum of nine (9) months.

D. A transferred employee who does not satisfactorily complete a performance period may, at the sole discretion of the City Manager, be reinstated to the former position at the same rate of pay the employee was earning immediately preceding the transfer, inclusive of all pay plan adjustments, if applicable, provided there is a vacancy and if approved by the affected Department Directors, or a transferred employee may be terminated.

E. Employees in their initial employment period are not eligible for a transfer. Exceptions may be granted by the City Manager when such a transfer is in the best interest of the City.

F. Assignment of Civil Service employees shall be determined in accordance with the provisions of the Texas Local Government Code §143.

Policy: Travel	**Policy No.** 200.18
Chapter: 200.00 Employment Practices	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

To establish regulatory and compensatory guidelines for reimbursement for costs associated with travel for an employee.

PROCEDURES:

It is the City's policy to pay for, or reimburse all reasonable and necessary expenses incurred by an employee when the employee travels on City related business in accordance with the travel section of the Purchasing Manual.

A. APPROVALS

1. All travel and cash advances must be approved in advance by the employee's Department Director (or designee) unless otherwise stated in this policy.
2. The City Manager must authorize official travel by City employees.

B. TRANSPORTATION

1. The City shall pay for the transportation costs of employees duly authorized to travel on official business of the City. The most efficient and economical mode of travel must be used.
2. It is preferred that City-owned vehicles be utilized, if available. When authorized, an employee using a personal vehicle on City business shall be paid at the per mile rate outlined in the travel section of the Purchasing Manual. If more than one person travels in the same privately owned vehicle only one person shall be reimbursed for mileage. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, and other modes of transportation. The City will pay for rental vehicles upon approval of the Department Director. Air travel must be booked at the most discounted fare whenever possible.

C. HOTEL ACCOMMODATIONS

1. Employees are encouraged to share rooms when possible. Extra charges for room services will not be paid by the City.
2. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/reimbursed to the City.

D. MEAL ALLOWANCE

1. Expenses for meals shall be reimbursed as established in the Travel Policy of the Purchasing Manual.
2. In the case of certain high cost areas, the City Manager may approve a higher per diem.

E. LONG DISTANCE PHONE CALLS

Reasonable and necessary long distance business phone calls and computer related expenses for City related business purposes will be reimbursed.

F. NON-ALLOWABLE EXPENSES

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee.

- In-hotel pay television and movies
- Dry cleaning and laundry
- Health club and spas
- Alcoholic beverages
- Personal long distance phone calls
- Other items of a personal nature

G. REIMBURSEMENT

1. Upon return to the City, a complete accounting of all expenditures of City funds is to be submitted to the Purchasing Department. Receipts for all expenses, including hotel bills and registration fees, must be included.
2. All unexpended advance funds must be returned.
3. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.
4. An employee having an outstanding “Final Travel Expense Report” will not be eligible for an advance.

H. VIOLATIONS

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

Policy:	Acceptance of Gifts	**Policy No.**	300.01
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to treat employees, citizens, and individuals conducting business with the City of Mission in a fair and equitable manner.

PROCEDURES:

A. ACCEPTANCE OF GIFTS

1. An employee is prohibited from accepting any gifts, gratuities, favors, loans, deposit of money, services, goods, merchandise, tickets, cash, or other objects of monetary value from any person, organization, or other entity who has done business, is doing business or seeks to do business, with the City, for services provided by the employee in the performance of the employee's job with the City, as well as any tangible or intangible benefit in the nature of gifts, favors, entertainment, discounts, passes, transportation, accommodation, hospitality, or offers of employment. Acceptance of such gifts and gratuities are prohibited.
2. Routine food coupons, frequent flier awards, discounts, and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with the supervisor to see if the item should be returned, or in the alternative, turned over to the City.
3. Employees may not give their supervisor or anyone else in City Management any gift that exceeds the value of $25. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies), or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement, or similar events is not a violation of this policy. Such gift(s) must not give the impression of impropriety.
4. Gifts, such as candy, cookies, beverages, other food items, and other gifts given to a department, division or individual employee, may be kept so long as they are made available for the enjoyment of all the employees of that department.
5. An employee who accepts the following will not be in violation of this policy:
   - an award publicly presented in recognition of public service;
   - an occasional meal where public business is discussed;
   - tee shirts, caps and other similar promotional materials and/or;
   - any gift which would have been offered or given to the employee even if the employee were not a City employee.
6. Exceptions to this policy must be cleared by the City Manager. The City takes this policy seriously and violations will result in disciplinary action, up to and including

termination of employment. Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Human Resources Director and/or the City Manager.

Policy: Attendance and Punctuality	**Policy No.** 300.02
Chapter: 300.00 Employee Conduct & Welfare	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

Regular attendance and punctuality in reporting to work are absolutely essential to the City's fulfillment of its mission to the citizens of the community. The City expects employees to be reliable and punctual in reporting to work in order to maintain a safe and productive work environment.

PROCEDURES:

A. ATTENDANCE

1. When an employee knows in advance of an impending absence, he must request permission to be absent from his supervisor at least twenty-four (24) hours in advance of the scheduled reporting time. The supervisor will evaluate the reason for the absence and determine whether the absence may be excused. An un-excused absence subjects the employee to disciplinary action.
2. If, because of some personal or family emergency or illness, the employee is not able to give advance notice of his absence, he must notify the supervisor as soon as possible on the day of the absence. In no event should the employee notify the supervisor later than 30 minutes after the scheduled staring time.
3. If the employee is unable to reach his immediate supervisor, he must notify his departmental office of the absence within the same guidelines as listed above.
4. The Department Director has the discretion to request an employee provide a statement from a licensed physician after one (1) day of a medical absence.
5. An employee who is absent for medical reasons for four (4) or more consecutive work days may not return to work without providing verification from a doctor giving the date of the illness, and releasing the employee for full duty. All medical documentation must be filed in the confidential medical file in the Human Resources Department.
6. If an employee must be absent from work for six (6) consecutive work days or more without pay, he must apply for a formal leave of absence, in accordance with the provisions for leaves set forth in the *Administrative Leave Without Pay* policy.
7. An employee who fails to notify his supervisor/Department Director of an absence of three (3) consecutive workdays or more will be considered to have voluntarily resigned employment, and will be terminated as such. Refer to *Separation from Employment* policy.

B. PUNCTUALITY

1. In the rare instance when an employee cannot avoid being late to work, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness in accordance with Departmental Procedures.

2. A non-exempt employee who is late for work may forfeit pay for the actual time he is late, calculated to the nearest one-quarter (1/4) hour.

C. VIOLATIONS

1. An employee who fails to properly notify the appropriate personnel in advance of an absence or tardiness will be subject to disciplinary action, up to and including termination of employment.

2. An employee who fails to report, is habitually tardy, leaves the workplace without proper authorization, or misuses leave will be subject to disciplinary action, up to and including termination of employment.

3. Employees are reminded that excessive absenteeism and/or tardiness not only subject them to disciplinary action but may also adversely affect their opportunities for job advancement.

Policy:	Cash Collection	**Policy No.**	300.03
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to establish rules and procedures governing the assignment, use and reporting requirements of cash collection.

PROCEDURES:

A. The general policy of the City of Mission for cashiers to follow in collecting cash from customers is designed to protect the interest of the City and provide certain basic general procedures to insure that cashiers exercise prudent actions in receiving and giving out change. Additionally, supervisors are charged with the duty of monitoring cashier activity as part of the employee evaluation process. All employees with cash handling responsibilities must comply with the internal procedures adopted by the Finance Director and approved by the City Manager.

Policy:	Cell Phone Use in the Workplace	**Policy No.**	300.04
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to establish rules and procedures governing the assignment and use of cell phones in the workplace.

PROCEDURES:

A. The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones at work, including those with a camera, must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's *Sexual and Other Unlawful Harassment* policy, will be subject to disciplinary action.

B. Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls but must reimburse the City for all personal use.

C. Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting, if the phone is equipped with a texting feature. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these telephones. All employees must, when asked, consent to a request to the City's cell phone service provider to give the City access to all cell phone and text message records.

PUBLIC INFORMATION ACT

Employees are advised that records related to calls and text messages made and received on City owned cellular telephones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

MONITORING OF CELL PHONE CALLS

Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

Policy:	City Property and Vehicle Use	**Policy No.**	300.05
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

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

DEFINITIONS:

1. **Prohibited Personal Use:** City property, materials, supplies, tools, equipment or vehicles may not be used for personal business. Said items may not be removed from the premises without prior written approval by the Department Director and City Manager.
2. **Prohibited Tobacco Use:** The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City owned vehicles and/or equipment.
3. **Vehicle Allowance:** An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.
4. **Take-Home Vehicle:** A vehicle that is owned, leased and rented, or otherwise under the care, custody or control of the City and is taken from the City premises after the normal working hours to remain in "home storage" overnight for the use by a City employee or authorized representative for a bona fide City purpose.

PROCEDURES:

A. City Equipment

1. From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.
2. Employees must notify their supervisor immediately if any equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

B. City Vehicles
1. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees.
2. The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law.

C. Take Home Vehicles
1. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Manager or Department Director. No passengers may be transported in take-home vehicles except as required by official duties.
2. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.
3. The location of home storage for a City vehicle may not exceed five (5) miles from the outer City limits, unless approved by the City Manager. The vehicle must be "stored" and/or parked at the employee's residence.
4. Should a City vehicle be damaged or City property be stolen while at the employee's residence, the City may subrogate from the employee's home owner's insurance.
5. The take-home vehicle privilege may be modified or withdrawn at any time with or without notice by the employee's Department Director.

RULES AND REGULATIONS:

If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas drivers license appropriate for the vehicle operated; must maintain a satisfactory driving record; and must inform their supervisor of any change in status.
- Observe all posted laws and speed limits and wear seat belts when the vehicle is in operation, in accordance with state law.
- No passengers, other than City employees or others on City business, may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or illegal drugs drive a City vehicle or a personal vehicle while conducting City business.

- No alcoholic beverages or tobacco products are allowed in City vehicles and are prohibited while operating and/or being a passenger. At no time may an employee under the influence of, or with a presence in the system of alcohol or illicit drugs or legal drugs that potentially may affect driving ability, drive a City vehicle or a personal vehicle while conducting City business.
- Employees involved in an accident while operating a City vehicle, or while operating a personal vehicle on City business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, Department Director, and the Risk Management Director. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Risk Management Department.
- The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City authorization required for this purpose.

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

Note: Employees shall be solely responsible for their personal property stored in City vehicles at all times.

Policy:	Code of Ethics	**Policy No.**	300.06
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

PREAMBLE:

The public trust essential for effective government rests on having governmental officers and employees who perform their duties equitably and with integrity without using public office for personal gain. Public trust is impaired whenever an actual or potential conflict exists between the private interests of a governmental official and his official duties.

In order to protect the public and the public servant alike, both the people and those serving them need to know the standards of conduct expected of City officers and employees. They also need to know that a system exists for requiring adherence to standards set for interpreting those standards and the conduct of public officials.

It is for these reasons that the Mission City Council has adopted a Code of Ethics. This Code applies to all officers and employees of the City of Mission.

STATEMENT OF PURPOSE:

It is the policy of the City of Mission that in all cases its employees perform their duties for the benefit of the City of Mission. They shall conduct the affairs of the City with integrity and impartiality without allowing prejudice, favoritism, or the opportunity for personal gain to influence their decisions or actions or to interfere with serving the public interest. Continuing observance of this policy is essential to maintaining the public trust necessary for good government.

STANDARDS OF CONDUCT:

Every employee, representative, and volunteer, shall be subject to and abide by the following standards of conduct.

A. *SERVE THE PUBLIC INTEREST*: Serve the public, beyond serving oneself. Committed to:
   1. Exercise discretionary authority to promote the public interest.
   2. Oppose all forms of discrimination and harassment.
   3. Recognize and support the public's right to know.
   4. Involve citizens in policy decision-making.
   5. Exercise compassion, benevolence, fairness and optimism.
   6. Respond to the public in ways that are complete, clear, and easy to understand.
   7. Assist citizens in their dealings with government.
   8. Treat every citizen fairly and equally, regardless of his or her race, color, religion, gender, national origin, age, genetics, citizenship, political affiliation, disability, or other unlawful basis.
   9. Be courteous to the public and fellow employees, conduct oneself in a quiet, civil, orderly, and courteous manner, refrain from using coarse, violent, profane, or insolent language, and be diplomatic, tactful, controlling one's temper and exercising the utmost patience and discretion.
   10. Be prepared to make decisions that may not be popular.

B. *RESPECT THE CONSTITUTION AND THE LAW:* Respect, support, and study government constitutions and laws that define responsibilities of public agencies, employees, and all citizens. Committed to:

1. Understand and apply legislation and regulations relevant to their professional role.
2. Work to improve and change laws and policies that are counterproductive or obsolete.
3. Eliminate unlawful discrimination.
4. Prevent all forms of mismanagement of public funds by establishing and maintaining strong fiscal and management controls, and by supporting audits and investigative activities.
5. Respect and protect privileged information.
6. Encourage and facilitate legitimate dissent activities in government and protect the whistle blowing rights of public employees.
7. Promote constitutional principles of equality, fairness, representativeness, responsiveness and due process in protecting citizens' rights.

C. *DEMONSTRATE PERSONAL INTEGRITY:* Demonstrate the highest standards in all activities to inspire public confidence and trust in public service. Committed to:

1. Maintain truthfulness and honesty and to not compromise them for advancement, honor, or personal gain.
2. Ensure that others receive credit for their work and contributions.
3. Zealously guard against conflict of interest or its appearance: e.g., nepotism, improper outside employment, misuse of public resources or the acceptance of gifts.
4. Abstain in areas related to acts with one's immediate family, extended family, or friends.
5. Abstain in areas related to acts with a business that the employee has a direct or indirect interest in.
6. Respect superiors, subordinates, colleagues, and the public.
7. Conduct official acts without partisanship.
8. Abstain from doing business with the City while an employee of the City. For purchases that do not require City Council approval, the businesses owned or operated by a City employee or the employee's immediate family, as defined in previous sections of the Personnel Policy Manual, will not be permitted to submit quotes. Only for purchases that require City Council approval will the businesses owned or operated by a City employee or the employee's immediate family be permitted to bid.
9. Civil Service Police and Fire employees who have completed the probationary period shall be covered by the rules governing political activity in the provisions of the Texas Local Government Code §143.

D. *PROMOTE ETHICAL ORGANIZATIONS:* Strengthen organizational capabilities to apply ethics, efficiency and effectiveness in serving the public. Committed to:

1. Enhance organizational capacity for open communication, creativity, and dedication.
2. Subordinate institutional loyalties to the public good.
3. Establish procedures that promote ethical behavior and hold individuals and organizations accountable for *their conduct.*
4. Provide organization members with an administrative means for dissent, assurance of due process and safeguards against reprisal.
5. Promote merit principles that protect against arbitrary and capricious actions.
6. Promote organizational accountability through appropriate controls and procedures.
7. Encourage organizations to adopt, distribute, and periodically review a code of ethics as a living document.

E. *STRIVE FOR PROFESSIONAL EXCELLENCE:* Strengthen individual capabilities and encourage the professional development of others. Committed to:

1. Provide support and encouragement to upgrade competence.
2. Accept as a personal duty the responsibility to keep up to date on emerging issues and potential problems.
3. Encourage others, throughout their careers, to participate in professional activities and associations.

F. *PROTECT THE WHISTLEBLOWER RIGHT OF PUBLIC EMPLOYEES:* Strengthen the highest standards and protect the integrity of public service.

1. If an employee is compelled to notify a regulatory agency, including local law enforcement of a violation of local, state, or federal law, rule, or regulation, then the City will not retaliate against said employee, regardless of the outcome of said violation.
2. Whistleblowers may notify the Department Director, City Manager, or the Chief of Police of said violations; any actions undertaken in response to the allegations will not lead to retaliation against the employee.

G. *CONFLICT OF INTEREST:* No officer or employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or which may tend to impair his independence of judgment or action in the performance of his official duties. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association.

H. ACCEPTANCE OF GIFTS AND SOLICITATION

1. No officer or employee shall directly or indirectly solicit, accept or receive any valuable gift or benefit, whether in the form of money, services, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift or benefit was intended as a reward for an official action on his part or was intended to influence the employee, or could reasonably be expected to influence him, in the performance of his official duties.
2. *Disclosure of Confidential Information*: No officer or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City. Nor shall he use such information to advance the financial or other private interests of himself or others.
3. *Abuse of Power or Office*: No officer or employee shall use the prestige or power of his office or employment for his private gain or for the private gain of another.
4. *Incompatible Employment*: No public officer or employee shall engage in or accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
5. Refer to *Acceptance and Gifts* policy and *Solicitation* policy.

VIOLATIONS:

Violations of any provision of this Code may constitute a case for censure or other disciplinary action, up to and including termination of employment, as determined by the appropriate authority.

Policy: Disciplinary Action	**Policy No.** 300.07
Chapter: 300.00 Employee Conduct & Welfare	**Effective Date:** 10/12/2015

STATEMENT OF PURPOSE:

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

Civil service employees will be covered by disciplinary procedures contained in the Texas Local Government Code §143, the City of Mission Local Civil Service Rules, Departmental SOP's and policies and regulations.

PROCEDURES:

A. In administering disciplinary action, the City is not obligated to use all of the progressive disciplinary steps available to it, and may begin the disciplinary process at any level, up to and including termination of employment, depending upon the type and severity of the offense, the employee's work record, prior disciplinary history, the employee's length of service, and any mitigating circumstances surrounding the offense. Depending on the circumstances of each individual case, disciplinary action may consist of one or more or the following:

- Verbal Warning
- Written Warning
- Suspension With Pay
- Suspension Without Pay
- Probation
- Demotion
- Transfer
- Dismissal

B. **It is of course impossible to identify all forms of conduct that may subject an employee to disciplinary action, and the various forms of prohibited conduct identified in this manual are not all-inclusive of the reasons for which an employee may be disciplined or terminated from employment.** The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

1. Incompetence, inefficiency, or neglect in the performance of one's duties.
2. Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks, absence without notice and/or approval, leaving work during working hours without the permission of the immediate supervisor.
3. Being discourteous to other employees while on duty.
4. Engaging in "horseplay" or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, including the use of abusive or profane language.
5. Failure to observe parking and traffic regulations on City property.
6. Gambling while on duty or on City property.
7. Violating a safety rule or safety practice while on duty.
8. Posting unauthorized materials on bulletin boards or other City property.

9. Removing of any matter or materials from bulletin boards or other City property without authorization.
10. Dressing in a manner which is inappropriate for one's work and which is unduly, or unreasonably, distracting to others or otherwise interferes with the performance of other employees.
11. Malicious gossip or false accusations which tend to destroy friendly relations between the City and its employees or between employees.
12. Failure or refusal to cooperate with fellow workers.
13. Failure to follow the established chain-of-command established by the Department Director, City Administration, or City Manager.
14. Being discourteous to the public.
15. Violation of safety rules and failure to immediately report an on-the-job injury/accident or damage to City Property.
16. Carelessness, negligent or willful damage to City property or waste of City supplies.
17. Misuse of City vehicles, equipment, or other property.
18. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others.
19. Insubordination or other disrespectful or unprofessional conduct.
20. Threatening violence, provoking, or instigating a fight, or fighting during working hours or on City Property.
21. Violating established municipal operating procedures such as those governing purchasing, information control, etc.
22. Using City vehicles, equipment, materials, or supplies for other than job related or City purposes without authorization.
23. Attempting to coerce an employee to join or resign from an employee association or other organizations by means of threats, intimidation, or abusive conduct.
24. Discourteous or abusive conduct towards employees and/or citizens.
25. Revealing, without authorization, confidential information obtained in the course of employment, including confidential City records.
26. Knowingly recording time on another employee's time card or time sheet without appropriate supervisory authorization.
27. Operation of City vehicles without possession of valid and proper operator's license, or while ineligible for City driving privileges.
28. Violation of any provision of the City Charter.
29. Misappropriation, theft, or other unlawful conversion of City property, funds or assets.
30. Incitement, attempt to incite, or participation in a strike or a work stoppage against the City.
31. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment.
32. An accumulation of minor infractions.
33. Possession of unauthorized weapons, explosive materials, or obscene materials on City premises or vehicles (except for licensed peace officers required to carry a weapon as part of their job duties).
34. Acceptance of any commission, bribe, discount, or other thing of value from persons or entities doing business with the City.
35. Falsification of City records, such as employment applications, time sheets, expense reports, etc., or the reason for an employee's absence from work.
36. Refusing to submit to a medical examination or test requested by the City.
37. Theft or inappropriate removal or use of City property or other property not belonging to the employee. (e.g. of property include but are not limited to: office supplies, furniture, computer/software, books, equipment/tools, gasoline/oil, etc.)
38. Working under the influence or a presence in the system of alcohol or illegal drugs.

39. Sexual or other unlawful harassment.
40. Interfering with work schedules or another employee's ability to work.
41. Misuse of City telephone, computers, and other electronic communications systems, etc.
42. Profanity, abusive language, or racial slurs.
43. Violation of City or departmental policies, codes of conduct, rules, and procedures.
44. Making or publishing false, vicious, or malicious statements about the City, a City employee or a citizen, or others.
45. Unsatisfactory performance or conduct.
46. Disruptive activity in the workplace.
47. Conduct which results in waste or damage of a co-workers, City, or citizen-owned property.
48. Violation of local, state, or federal law.
49. Conviction of a felony, including reasonable belief an employee has committed a crime under Texas Penal Code or Class A or B Misdemeanor involving moral turpitude, or repeated conviction of Class C Misdemeanor charges, or any crime.
50. Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension.
51. Outside employment that conflicts with, or potentially conflicts with, City interests.
52. Acceptance of payment of any kind for activities related to City employment.
53. Failure or refusal to follow lawful orders.
54. Sleeping on the job (except for Fire department personnel who are governed by applicable fire department rules and regulations).
55. Dishonesty, including misrepresentation during the hiring process.

*Note: An employee being investigated for the commission or omission of an action prohibited by or required, may be suspended with or without pay by the Department Director, upon approval of the City Manager, pending the outcome of said investigation. Suspension in this case is not disciplinary in nature but rather for the purpose of facilitating the investigation. Refer to *Administrative Leave Without Pay* policy.

C. Documentation. All forms of discipline, including verbal warnings, must be documented and forwarded to the Human Resources Director.

Disciplinary actions for civil service employees shall be placed in either the Civil Service file or in the departmental personnel file, as specified in Chapter 143.089 of the Texas Local Government Code.

D. Review of Disciplinary Actions. All proposed disciplinary actions must be reviewed by the Department Director prior to being administered to the employee. This applies to both entry-level police officers and firefighters under probationary period and employees serving in the initial employment period and all other regular employees. All disciplinary actions shall be forwarded to the Human Resources Director for inclusion in the employee's file. The Human Resources Director will review all disciplinary actions.

E. Appeal Process:

1. An employee has the right to appeal disciplinary action involving suspension, demotion or dismissal.

   a. An employee who has received disciplinary action involving suspension, demotion or dismissed has five (5) business days from receipt of such action to submit an appeal in writing to their Department Director or the City Manager. The employee should include any and all relevant data in the content of that appeal.

b. The Department Director will review all relevant data and make a decision to reaffirm the suspension, demotion or termination or amend/rescind said action. Notification of the findings will be given or mailed to the employee within five (5) business days and a copy of this notification with all relevant data/material will be given to the City Manager.

c. The City Manager will review all relevant data/material and make a final decision based upon a review of all materials and the Department Director's recommendation. The City Manager has the right to amend, modify, overturn or enhance the recommendations of the Department Director. The decision of the City Manager is final. The decision will be in writing and be given to the employee.

d. The City Council has no authority over the employee discipline or termination process. This authority has been granted to the City Manager. Employees shall not appeal to the City Council as part of this process.

2. Appeal rights for Civil Service employees shall be covered by Chapter 143 of the Texas Local Government Code.

3. The City Council has no authority over employee discipline or termination matters; this authority has been granted to the City Manager ONLY. Employees cannot appeal to the City Council as part of this process.

F. **Felonies and Misdemeanors.** Employees must immediately notify their supervisor and/or Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. In most instances, the City will conduct its own investigation and take appropriate action; in rare instances however, an employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation, may be placed on an administrative leave (with or without pay) until the charge, indictment, or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Human Resources Director upon approval of the City Manager. An employee on an administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

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

Policy:	Dress Code	**Policy No.**	300.08
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/12/2015

STATEMENT OF PURPOSE:

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business.

PROCEDURES:

A. **OFFICE ATTIRE**–Employees who work in an office setting must wear office attire during the normal business hours of operation. This includes trainings, conferences, and public events held offsite at which the employee is officially representing the City of Mission. The office attire consists of appropriate clothing for a particular function of a department.

1. Office Attire Departments
    - Community Development Administration
    - City Secretary
    - Civil Service
    - Economic Development
    - Executive / Legal
    - Finance
    - Fire Administration
    - Human Resources
    - Information Technology
    - Library
    - Municipal Court
    - Museum
    - Parks and Recreation Administration
    - Planning
    - Police Administration
    - Public Works Administration
    - Purchasing
    - Risk Management
    - Utility Billing
2. Guidelines for Office Attire–Male Employees
    - Button down dress shirt
    - Collar shirts must be worn no lower than the second button from the collar
    - Pullover collared polo shirts, knit shirts with collar and banded collar shirts, must be tucked into the trousers and of conservative style/color
    - Slacks, trousers, khakis
    - Dress shoes, leather boots (worn with socks)
3. Guidelines for Office Attire–Female Employees
    - Business dresses, coat dresses, skirts
    - Two piece pantsuits, ankle pants and slacks of a conservative and professional style
    - Blouses, shirts, sweaters of a conservative style, must be tucked into the pant or skirt, unless designed as an over-blouse
    - Collar blouses and shirts must be worn no lower than the second button from

the collar
- Dresses and skirts must not be any shorter than four (4) inches above the knee
- Dress shoes or sandals with a professional length heel

B. **FIELD/UNIFORM ATTIRE** – Field/uniform attire is appropriate for employees who spend the majority of their time out in the field. Field/uniform attire consists of City issued attire, where applicable, or collared shirts, jeans, work pants, or safety clothing and equipment as required by the City of Mission. The Department Director, depending on the job function, may authorize the wearing of field/uniform attire.

1. Field/Uniform Departments
   - Boys and Girls Club
   - Building Inspectors/Code Enforcement
   - Community Development Field Staff
   - Fire
   - Golf Course
   - Health
   - Meter Readers
   - Parks and Recreation/Facility Maintenance
   - Police
   - Public Works/Streets/Drainage/Sanitation
2. Guidelines for Field/Uniform Attire
   - Employees who have assigned uniforms must wear them at all times
   - City issued uniforms are to be maintained in good condition, clean and pressed
   - Belts must be worn as part of all uniforms and shirts must be tucked in
   - Jeans (no torn, faded or tight-fitting) may be worn by code enforcement and inspectors
   - When approved by Department Director, shorts worn by recreation staff must be no shorter than four (4) inches above the knee. No torn, tight-fitting shorts permitted
   - Swimming attire, as approved for Aquatics staff, must be fully covered when entering into an office atmosphere.

C. **CASUAL FRIDAY ATTIRE**–Casual Friday attire is an optional style of dress attire that is permitted on Fridays. It is essential that employees who dress in Casual Friday attire understand and adhere to the City's expectations for the standard dress code. On Casual Friday the same standards for un-approved attire remain. **Dark wash jeans** are allowed on Casual Friday (no faded, torn, or tight-fitting jeans). No other weekday will be substituted for Casual Friday.

D. **ACCESSORIES**

1. Jewelry
   - Jewelry must be conservative and tasteful, not excessive and must coordinate with business attire
   - Men are not allowed to wear earrings and women must wear no more than one pair
   - Eyebrow rings, nose rings, lip rings, tongue studs are prohibited. Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing must not be worn.

- Message buttons or pins are not permitted, except those issued by the City of Mission and/or those approved by the Department Director.

2. Belts are considered part of all business and casual attire, unless the clothing is designed to be worn without a belt.
3. No hats and caps with logos except those issued by the City of Mission or approved by Department Director. Caps and visors must be worn correctly to serve their purpose. Caps and visors worn upside down, sideways or backwards are unacceptable. Beanies and skull caps are not permitted.
4. Dark glasses may not be worn in-doors, unless required by a licensed physician and medical excuse is required.
5. Shoes

   a. Must coordinate with business and casual attire.

   b. Should be kept polished and in good condition.

   c. Open toe (with straps) shoe styles are allowed.

   d. Footwear such as, flip flops, crocks, and mules are not allowed (see unapproved footwear list). Tennis shoes are not allowed except for recreation employees.

6. ID Name Badge Employees MUST wear their ID name badge at all times.

E. **GROOMING AND HYGEINE**

1. Hair

   a. Hair must be clean and neat in appearance and consistently maintained.

   b. Extreme hair color or hairstyle is prohibited. If hair is dyed, bleached, or tinted, it must be maintained (extreme hair colors that include but not limited to pink, green, blue and purple are unacceptable).

   c. Sideburns, beards and mustaches must be neatly trimmed.

   d. Mohawks, spiked hair and dread locks are not permitted.

2. Fingernails must be clean and neatly manicured. Nail length should not interfere with job duties.
3. Makeup should look natural. Subtle shades of cosmetics are acceptable.
4. Fragrances must be subtle and in moderation. Offensive body odor and poor personal hygiene is not professionally acceptable.
5. Tattoos–it is preferred that all tattoos be covered. However, all tattoos deemed offensive must be covered. Facial tattoos are not acceptable with the exception of cosmetic permanent make-up.
6. Inappropriate body markings are not professionally acceptable (to include but not limited to “hickeys”).

F. **INAPPROPRIATE ATTIRE**

1. The following attire is **unacceptable:**

   a. Tank top, halter top, midriffs, cut-off and see-through blouses or shirts

   b. Low cut blouses, shirts and dresses are not permitted and no cleavage

should be shown.

c. No spaghetti strap dresses, tops or blouses, unless covered by jacket or sweater.

d. Blouses/dresses with midriffs and backs exposed are not permitted.

e. No short dresses and skirts are permitted.

f. Dresses, blouses, skirts, pants/slacks, skirts that are too tight to the skin are not permitted.

g. T-shirts, muscle shirts, cut-offs are not permitted.

h. Capri or crop pants are not permitted.

i. Low rider or hipster pants or slacks are not permitted.

j. Leggings or spandex pants are not permitted.

k. Faded or torn jeans are not permitted.

l. Sweatshirts, sweatpants, shorts and cut-offs are not permitted.

m. Any apparel containing obscene slogans, foul language or other emblems or writing that may reasonably be expected to cause disruption or interference

n. Stiletto/spiked heels, tennis shoes, clogs, crocs, open toe flip flop sandals/shoes, slipper socks, or bare feet are not allowed.

G. **ENFORCEMENT**

1. The Department Directors are responsible for implementing this policy and should explain dress code to each employee in order to effectively promote good appearance and a professional image.
2. If a Department Director, Human Resources Director, Deputy City Manager or City Manager determines that an employee's personal appearance does not correspond to the dress code policy, the employee may be asked to leave the workplace and not return until he or she is properly dressed or groomed. Employees will not be compensated for any time missed because of failure to comply with the policy.
3. If an employee's attire interferes with them performing their job, with co-workers performing their job, or with the public being served, then the employee's attire is inappropriate.
4. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to their supervisor, Department Director, or the Human Resources Director.
5. Failure to comply with the dress code policy will subject the employee to disciplinary action.
6. Police and Fire Civil Service employees may be covered under departmental policies regarding appropriate dress and appearance.
7. Department Directors may allow employees to dress in a more casual fashion than is normally required on special work related occasions i.e. moving boxes, supplies, records, heavy equipment and furniture, etc.
8. Where necessary, reasonable accommodation may be made to an employee with an illness or disability.

Policy: Drug and Alcohol Use	**Policy No.** 300.09
Chapter: 300.00 Employee Conduct & Welfare	**Effective Date:** 10/01/2019

STATEMENT OF PURPOSE:

It is the desire of the City of Mission to provide a drug-free and safe workplace. To promote this goal, employees are required to report to work in a mental and physical condition which allows them to perform their duties in a satisfactory and safe manner. The City of Mission also intends, through these procedures, to prevent accidents, fatalities, injuries, and property damage that may result from employee use of controlled substances or alcohol.

Hence, any employee testing positive in a drug administered test shall be subject to disciplinary action up to and including termination of employment.

These procedures outline the program by which goals and objectives will be met. It specifies and defines the procedures to be used in recognizing drug and alcohol use by applicants for employment and drug and alcohol use and influence among employees, especially for safety-sensitive positions.

DEFINITIONS: As used in this policy:

1. **Alcohol** - means the intoxicating agent in beverage alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

2. **Alcohol Use** - means a presence in the system of alcohol through the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

3. **Alcohol Testing** - means testing for blood alcohol content by using evidential breath testing devices or drawing or collecting a blood serum sample or any other approved laboratory analysis.

4. **Applicant** - means a person who has applied for a job with the City of Mission and has been made an offer of employment.

5. **Drugs/Controlled Substances** - means any drug the use of which could affect performance. The term "drug" and "controlled substances" are interchangeable and have the same meaning. Drugs and controlled substances include but are not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, opium derivatives, narcotics, hallucinogens and any other substance having either a stimulant or depressant effect on the central nervous system such as amphetamines or barbiturates as well as any medication prescribed by a physician.

6. **Drug Paraphernalia** – means material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing illegal or unauthorized drugs into the body.

7. **Drug Testing** - means the scientific analysis of urine, blood, breath, saliva, hair, tissue or other specimens of the human body for the purpose of detecting a drug or alcohol. Types of testing may include, but not limited to, one or more of the following: urinalysis, hair follicle, saliva, breathalyzer, intoxilyzer, or other generally accepted testing procedures.

8. **Employee** - means any employee, agent, officer, or representative of the City.

9. **Reasonable Suspicion** - means a belief based on articulable observations (e.g., observation of

alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

Such inability to perform may include, but is not limited to, a drop in the employee's performance or by impaired judgment, reasoning, level of attention or behavioral change or decreased ability of the senses. Physical characteristics indicating reasonable suspicion may be a pattern of abnormal or erratic behavior, physical symptoms (i.e. glassy or bloodshot eyes, odor of alcohol or marijuana, slurred speech, unsteady gait, poor coordination or reflexes) or direct observation of drug or alcohol use. Possession of drugs or alcohol as well as any drug paraphernalia, will constitute a basis for reasonable suspicion with the consent of the Risk Management Director.

10. **Safety-Sensitive Function** - means a job that an employee is performing, ready to perform, or immediately available to perform, which if under the influence of drugs or alcohol, could create a safety hazard that may cause harm or injury to the employees, citizens, or damage to property, such as firefighters, police officers, certain employees of Public Works and Utilities departments (excluding clerical) and all equipment operators or CDL license holders. Refer to "DOT and Safety Sensitive Employees for Random Testing" list (Appendix D).

11. **Under the influence** - means the condition existing after the voluntary introduction of an amount of alcohol or controlled substance into the employee's body, which affects the employee's ability to perform his/her duties.

12. **Machinery (Motorized Equipment) –** this category includes, but is not limited to, backhoes, dozers, mower tractors, loaders, graders, skywatch towers, light towers, and other similar machinery.

13. **Equipment** – this category includes, but is not limited to, chainsaws, weed eaters, machetes, sledge hammers, shovels, ladders, power tools, and other similar equipment.

PROHIBITIONS:

A. The City strictly prohibits the use, sale, possession, conveyance, distribution, or manufacturing of illegal drugs, intoxicants, alcohol, inhalants, or controlled substances, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer in any amount or in any manner while:
   1. on City premises,
   2. on duty,
   3. conducting City-related business or other activities off premises,
   4. driving a City-owned or leased vehicle,
   5. operating or using other City-owned or leased property or equipment,
   6. wearing City of Mission uniforms.

B. Employees shall not use, possess, distribute, or sell any drug-related paraphernalia while:
   1. on City premises,
   2. on duty,
   3. conducting City-related business or other activities off premises,
   4. driving a City-owned or leased vehicle,
   5. operating or using other City-owned or leased property or equipment,

6. wearing City of Mission uniforms.

Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

C. The City strictly prohibits the abuse of prescription and over-the-counter medications which are not being used as prescribed or as intended by the manufacturer.

D. Employees shall not report to work or remain at work if the employee has used a prescription drug without a valid prescription issued in the name of the employee by a licensed medical practitioner.

E. Employees shall not report to work or remain at work if the employee has used a prescribed or non-prescribed drug that would place the employee, their co-workers, or the public in danger due to potential impact from the drug. Examples of impact include, but are not limited to, drowsiness, dizziness, confusion, feeling shaky, and/or negatively affecting judgment, balance, vision, and reflexes or reaction time.

POLICE DEPARTMENT EMPLOYEES: Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

CONDITIONS REQUIRING TESTING:

A. Pre-employment:

1. All applicants, as a condition of employment, will be subject to drug/alcohol testing after an offer of employment is made. An applicant who refuses to sign any documents required by the City of Mission, any documents required by the licensed testing facility, or refuses to take the drug/alcohol screening will not be considered for employment.

2. An applicant whose test result is verified positive for controlled substances will not be hired and will be ineligible for employment for twelve (12) months. After the twelve (12) month period, the individual may reapply but will be required to submit to the normal selection process including controlled substance testing. If evidence of the use of illegal drugs by an applicant is discovered either through testing or other means, the employment process will be terminated.

B. Promotions/Transfers: An employee who is applying for a promotion or transfer to a safety-sensitive or CDL position within the City will be required to submit to a drug/alcohol test. The employee's refusal to consent to the drug/alcohol test will disqualify the employee from consideration for promotion or transfer and may result in disciplinary action up to and including termination of employment.

C. Post-Accident: Post accident drug and alcohol testing will be conducted immediately, upon proper notification, on all drivers regardless of at fault determination. Post accident drug and alcohol testing will also be conducted immediately, upon proper notification, on all employees operating machinery and/or equipment. An employee who sustains an on-the-job accident, however minor, and who is physically able, must report the accident immediately to the supervisor and/or Department Director. Failure to report an accident immediately, will be subject to disciplinary action up to and including termination of employment.

D. Post Injury: Employees shall be tested for drug and/or alcohol after a workplace injury or accident or “near miss”, when reasonable suspicion exists, or in connection with any required medical treatment or in conjunction with the rehabilitation program.

E. **Police and Fire Employees**: Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing. Drug and alcohol testing will be conducted immediately, upon proper notification, on police and fire employees who discharge a firearm.

F. **Reasonable Suspicion**:

1. The City will require an employee to submit to a drug and/or alcohol test when there is reasonable suspicion that an employee is using or has used drugs and/or alcohol in violation of City policy. Such reasonable suspicion shall be based on objective facts and/or observations sufficient to suspect that an employee is under the influence of drugs and/or alcohol and has violated the drug and alcohol prohibitions.

2. The decision to test will be based on the conduct observed and documented by City staff trained in detecting the signs and symptoms of drug and alcohol use. City staff will describe their observations in writing by completing a "Reasonable Suspicion" form documenting the circumstances that lead to the conclusion that a drug and/or alcohol test is warranted.

3. After documenting the incident, the supervisor or Department Director will request confirmation from the Risk Management Director for testing. In the absence of the Risk Management Director, another supervisor trained in the detection of drugs/alcohol must confirm the reasonable suspicion. After testing for reasonable suspicion, arrangements will be made to transport an affected employee home until the results are received by the City.

G. **Random Testing**: Employees performing safety-sensitive functions shall be required to submit to random drug and alcohol testing just before, during, or just after performance of the safety-sensitive function. Safety sensitive employees and employees returning from approved rehabilitation programs shall be subject to random testing for controlled substances at any time regardless of what task or job function is being performed by the employee. Refer to "DOT and Safety Sensitive Employees for Random Testing" list (Appendix D).

Employees are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a computer-based random number generator. Each employee subject to this policy will have an equal chance of being tested each time random selections are made. As a result, employees may be selected for random testing several times during one year while other employees may not be selected for testing for several years. Each employee randomly selected for testing will be tested during the selection period. The Risk Management department will maintain an up-to-date roster of all safety sensitive employees for the random drug and alcohol tests.

The procedure for safety sensitive employees in random drug/alcohol testing is as follows:

1. An employee that is not on duty or is on approved leave, when testing is being conducted, shall be excused and shall not be called in to the test site.

2. If the results are 0.02 or greater for alcohol, the Medical Review Officer (MRO) will notify the City's Risk Management Director, who will then notify the employee's Department Director. The Department Director will make suitable arrangements to have employee transported home.

TESTING OF EMPLOYEES:

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

2. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination of employment.
3. A positive test result is a violation of the City's *Drug and Alcohol Use* policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
4. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Refer to *Drug and Alcohol Use for DOT Employees* policy for additional information.

Testing Procedures:

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

REHABILITATION:

A. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency through the City provided Employee Assistance Program. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment. Each employee needing assistance in resolving problems associated with drug use or alcohol misuse cannot return to their position until they have been evaluated by a Substance Abuse or Alcohol Abuse Professional to determine if the employee has properly followed the rehabilitation (treatment) program; and shall be subject to unannounced random follow-up drug and/or alcohol tests administered by the City following the employee's return to work. The City is not required under these rules to provide rehabilitation, pay for treatment, or reinstate the employee to the former position. This policy applies to employees coming forth "seeking help" **before** being notified of a scheduled, random, or post-accident drug and alcohol test.

B. Employees with drug and alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action, may request approval to take an administrative leave without pay to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program after the City receives a positive test result or in lieu of disciplinary action.) The administrative leave of absence without pay may be granted at the City's sole discretion. Factors considered by the City in deciding whether to grant leave include the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program; the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such an administrative leave of absence only once during the course of an employee's employment with the City. **Note:** Under certain conditions, treatment for substance abuse may be covered under the City's *Family and Medical Leave* policy. Refer to *FMLA* Policy.

C. During time off for a City-approved rehabilitation or treatment program, the employee must use any available sick leave or vacation leave. If the employee has no accrued leave time, the employee may request Administrative Leave Without Pay. Refer to *Administrative Leave Without Pay* policy. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's *Family and Medical Leave* policy. Refer to *FMLA* policy.

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

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

1. Initial negative test for drugs and/or alcohol before returning to work;
2. A written release to return to work from the City-approved rehabilitation or treatment facility/program;
3. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, random testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
4. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work;
5. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Risk Management Director. The employee must meet with the Human Resources Director to discuss the terms of continued employment and sign a formal agreement before returning to work.

F. This section does not require that an employee be returned to duty after a violation of these policies and procedures. An employee is subject to disciplinary action, up to and including termination of employment for any such violation.

TRAINING:

All employees will be required to attend annual training in the City's prohibition against drugs/alcohol in the workplace policy. The City shall provide programs and necessary materials relating to drug and alcohol abuse and has designated the Risk Management Director to answer all questions relating to these policies. Supervisors and Department Directors will receive annual training on this policy and in detection of drug/alcohol abuse on an annual basis.

EMPLOYEE RESPONSIBILITIES:

A. Substance abuse prevention is everyone's responsibility. The City expects all of its employees including management to recognize and accept this responsibility, and to do their part in assuring that the City can achieve and maintain a drug and alcohol-free workplace for everyone. This policy applies to all personnel no matter what position.

B. Each employee required to submit to drug/alcohol testing shall, as soon as practicable, provide the required specimens for testing. The Risk Management Director shall arrange for the collection and testing of specimens for drugs and/or alcohol as soon as practicable following an incident, which requires drug or alcohol testing.

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

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

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

F. This policy applies to all employees, including those who fall under DOT regulations.

Policy:	Drug and Alcohol Use for DOT Employees	**Policy No:**	300.10
Chapter:	300.00 Employee Conduct and Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

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

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

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. Refer to "DOT and Safety Sensitive Employees for Random Testing" (Appendix D) for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles on Appendix D may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

a. On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within 4 hours after using alcohol.

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

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

Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-

employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

a. Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

b. Post-accident testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

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

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

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

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

c. Reasonable Suspicion Testing. Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Risk

Management Director. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Risk Management Director.

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

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

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

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

d. **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

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

return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

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

Additional Information About Alcohol Testing.

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

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

Additional Information About Drug Testing.

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

b. Drugs Tested For. DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a

confirmation test is performed. Whenever the terms "drug," "drugs" or "controlled substances" are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.

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

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

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

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

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

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

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

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

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site. With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions. Anyone with questions regarding this policy should contact the Risk Management Director.

Policy:	Electronic Communications and Systems Access Use	**Policy No.**	300.11
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to establish rules and procedures governing the assignment, use and reporting requirements of electronic communications and systems access use.

PROCEDURES:

A. This policy will serve as a general guide for the City's electronic communications and systems access use. The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, pagers, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems" or "systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic communications systems. The individual who has this primary responsibility is the Information Technology Director.

B. Applicability: This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communications systems. The City's electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

C. Rules:

1. Security

- Passwords to any system should never be shared with co-worker. Employees are responsible for any transactions that occur using the employee's password. The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.
- When a new employee is hired the immediate supervisor/Department Director should request a new ID and password to be issued to them. This request will be in writing to the Information Technology Director.
- Employees that identify a potential security weakness on the integrity of the system, must notify the Information Technology staff immediately.

2. New Software

- The Information Technology staff must be notified and give approval for software that employees desire to purchase for use on City computer(s).
- All software owned by the City of Mission **must** be registered to the City of Mission.

- Employees are prohibited from installing software on the City's computer system without permission. Notify the Information Technology staff for permission and instructions before installing any software on a City computer
- The Information Technology staff will assist in the installation of the approved software.
- After new software is installed, all software and software licenses will be given to the Information Technology Director to be accounted for and filed in a safe location. Exceptions to this rule may be granted by the Information Technology Director for software that must be kept on site or software which needs to be readily available for maintenance.

3. New Hardware
   - The Information Technology Director must approve all hardware purchases for use on City computers.
   - The Information Technology staff will assist in the installation of approved hardware.

4. Hard Drives
   - ALL FORMATTING of hard drives requires approval and performance by the Information Technology staff.

5. Internet Access
   - Only employees who have been approved through their Department Director can access the Internet.
   - Employees are prohibited from internet connections without the proper approval.

6. User Responsibilities

   a. Employees are required to:

      - "Log Off" workstation(s) when leaving work area unattended (lunch, end of work day, etc.).
      - Keep all food and drinks away from the keyboards, computers, monitors and printers.

   b. <u>Unacceptable Uses of Electronic Communications Systems include:</u>

      - Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
      - Accessing, displaying, downloading, or distributing sexually explicit material.
      - Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
      - Copying or downloading commercial software in violation of copyright law.
      - Using the systems for financial gain or for any commercial activity unrelated to City business.
      - Using the systems in such a manner as to create a security breach of the City network.
      - Looking or applying for work or business opportunities other than for internal City postings.
      - Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or

content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.

- Transmitting or sharing information regarding a coworker's health status without permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City of other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

c. Contact the Information Technology Staff when any problems are encountered with a City computer equipment or software.

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

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

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

Policy: Grievance	**Policy No.** 300.12
Chapter: 300.00 Employee Conduct & Welfare	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

To provide employees with a means to dispute or grieve the unequal and/or unlawful treatment; interpretation and/or application of City or departmental policies, procedures, or practices; or retaliation.

POLICY:

A. Although City employees normally enjoy the same rights as other citizens to speak out on matters of public concern, most issues and/or concerns arising in the workplace are not matters of public concern. City employees are therefore strongly encouraged to present their job-related issues, concerns, and questions to their supervisors and Department Directors.

B. It is the intent of the City to anticipate and avoid issues and concerns about employment related matters whenever possible. When issues or concerns do arise, however, the City of Mission will assure that the employee is given an opportunity to present the issues and/or concerns and pursue possible solutions. It is the desire of the City to eliminate the cause of any justifiable issues and/or concerns and implement corrective measures whenever feasible.

C. No employee will be subject to any retaliation or reprisal for submitting a grievance.

PROCEDURES:

A. The employee must first verbally discuss a work-related issue and/or concern with the immediate supervisor. The issue and/or concern should be addressed as quickly after the fact as possible, so that particular details about the subject are remembered. If possible, the supervisor will resolve the problem with an immediate decision in accordance with City policy.

B. The supervisor will, in any event, provide the employee a definite answer within five (5) working days after the initial meeting.

C. If the employee is not satisfied with the decision provided by the supervisor, the employee should submit a grievance within five (5) working days after the supervisor's decision, to the supervisor and ask the supervisor to arrange a meeting with the Department Director. The supervisor will facilitate the grievance by forwarding the appeal to the Department Director.

D. Upon receipt of a grievance, the Department Director will meet with the employee(s) as soon as possible, but no later than five (5) working days, unless another date is mutually agreed. Within five (5) working days after the meeting, the Department Director will provide the employee a written determination of the grievance.

E. If after receipt of the written determination, the employee feels that the issue and/or concern is still not resolved to the employee's satisfaction, then the employee may within five (5) working days, submit the grievance to the Human Resources Director. The

Human Resources Director will forward the grievance to the City Manager. The decision of the City Manager shall be final.

F. Should the Human Resources Department, the City Secretary's Office, or the Chief of Police be the subject of a grievance, the City Manager will assign the appropriate investigative procedure(s). Should the City Manager and/or his/her designee(s) be the subject of a grievance, the employee should contact the Human Resources Director, who would be authorized to notify the City Attorney for guidance on the investigative procedure(s).

G. All persons involved must treat grievance information or testimony in a discreet and confidential manner. Failure to do so will result in disciplinary action, up to and including termination of employment.

H. The City Council has no authority over the employee grievance process. This authority has been granted to the City Manager. Employees shall not appeal to the City Council as part of this process.

Policy:	Safe Work Practices	**Policy No.**	300.13
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

Employees, as part of a comprehensive safety and loss prevention program, are expected to place safe work practices and the identification and correction of unsafe conditions as their highest priority while performing their daily tasks. Each employee will be issued a City of Mission Employee Safety Manual and is required to comply with all safety provisions herein.

PROCEDURES:

Employees will be expected to read, sign and date an "Employee Safety Commitment and Responsibilities" form. Each employee's safety commitment must include, but is not limited to the following:

A. Reporting of all injuries, accidents, and incidents immediately or no later than one (1) working day of occurrence. If the occurrence is on a Friday or on the day prior to a holiday it must be reported the same day.

B. Using the safety equipment, which has been provided for performing daily work assignments.

C. Wearing the prescribed uniform and safety shoes as required.

D. Only operating equipment or using tools for which training or orientation has been received.

E. Warning co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.

F. Reporting defective equipment (including vehicles) immediately to a supervisor.

G. Reporting dangerous or unsafe conditions that exist in the work place as well as throughout the city.

H. Taking care not to abuse vehicles, tools, and equipment to extend their usable life as well as to ensure that they remain in the safest possible condition while being used.

Policy: Safety Program	**Policy No.** 300.14
Chapter: 300.00 Employee Conduct & Welfare	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

Good safety practices and habits by the employees are the best protection against work-related hazards/injuries. Each employee is expected to follow the basic safety procedures established by the Employee Safety Manual and Standard Operating Procedures of the employee's department. All employees are required to operate City vehicles and equipment safely and in compliance with the Employee Safety manual and all municipal and state vehicular regulations.

PROCEDURES:

SAFETY RECOMMENDATIONS

The Risk Management Director will serve as Head of the Safety Committee. The Committee shall meet and make recommendations as noted and required in the City of Mission Employee Safety Manual. Recommendations will be reviewed by the City Manager prior to implementation.

SAFETY MEETINGS

Safety Committee Members (also known as safety officers) shall be appointed by the Department Director on an annual basis to work with the Risk Management Director. The Risk Management Director is required to arrange and conduct safety meetings that will be beneficial to the departmental operations and reduce work accidents/injuries, equipment, property, and vehicle accidents. Safety Committee Members shall take forth information discussed and implemented to their respective departments, as employees will be held accountable for compliance with safety directives given at employee meetings.

Policy: Sexual Harassment & Other Unlawful Harassment	**Policy No.** 300.15
Chapter: 300.00 Employee Conduct & Welfare	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties. This policy is to define sexual harassment and other unlawful harassment and to outline the responsibilities of supervisors and employees when this matter is encountered. It is the policy of the City of Mission to maintain a respectful work and public service environment. The City prohibits harassing or offensive behavior by or towards any employee or non-employees and will not tolerate any form of sexual or other unlawful harassment. Any employee or officer of the City who engages in such behavior will be subject to disciplinary action, up to and including termination of employment.

DEFINITIONS:

A. Sexual Harassment

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

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

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

B. Other Prohibited Harassment

In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, abusive words, slurs, and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to

via facsimile, e-mail, and/or other electronic devices, social media, and/or the Internet. Harassment of any nature will not be tolerated. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

PROCEDURES:

A. Mandatory Reporting

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

   - the Department Director; or
   - the Human Resources Director; or
   - the City Manager (or designee)

2. Any employee, supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and/or the Human Resources Director.

3. Under this policy, an employee may report to and/or contact the Human Resources Director directly, without regard to the employee's normal chain of command. All concerns/questions should be addressed to:

   Human Resources Director

   City of Mission

   1201 E. 8th Street

   Mission, TX 78572

   956-580-8734

   hrdirector@missiontexas.us

B. Investigation

1. All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. In some instances, an outside investigator may be retained to conduct the investigation on behalf of the City. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

2. **In no event will information concerning a reported incident be released by the City to any third party or to anyone within the City who is not directly involved in the investigation. Any breach of this will be grounds for disciplinary action, up to and including termination of employment.**

3. An individual believed to be unjustly charged with sexual or other unlawful harassment will be afforded every opportunity to offer and present information in defense of the reported incident.

4. Should the Human Resources Department, the City Secretary's Office, or the Chief of Police, be the subject of this investigation, the City Manager will assign the appropriate investigative procedure(s). Should the City Manager and/or the assistant(s) be the

subject of this investigation, the employee will contact the Human Resources Director, who would be authorized to notify the City Attorney for guidance on the investigative procedure(s).

a. ADJUDICATION CLASSIFICATIONS: The following are the disposition classifications to be used in the adjudication report; each separate allegation must be classified individually.

- **NOT SUSTAINED:** The investigation failed to prove the allegation(s)
- **EXONERATED:** The allegation in fact did occur but the actions of the employee were justified, proper, and in conformance with the City policy and procedure(s).
- **UNFOUNDED:** The allegation could not be validated to have occurred.
- **SUSTAINED:** The investigation substantiated the allegation, which was determined to be misconduct.

b. MISCONDUCT NOT BASED ON THE COMPLAINT (MNBC) during the investigation of the personnel complaint, allegations or misconduct that are discovered which are not specifically alleged in the original complaint, will be treated as separate, individual allegations and separately investigated similar to the above. The final classification would be:

- **MNBC – NOT SUSTAINED**
- **MNBC – EXONERATED**
- **MNBC – UNFOUNDED**
- **MNBC - SUSTAINED**

5. Once an investigation has been completed, a report of the findings shall be made to the City Manager for review and consideration of proposed action.

6. If the investigation reveals that misconduct has been validated, prompt disciplinary action up to and including termination will be taken depending on severity of the infraction. No matter the level of disciplinary action taken, the supervisor will ensure that any harassing conduct is terminated.

7. Nothing herein will prevent the City Manager from taking direct and immediate action, unless the City Manager is the accused or the complainant in the case.

C. Responsive Action

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including termination of employment, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy.

D. Retaliation Prohibited

EMPLOYEES HAVE THE RIGHT TO BE FREE FROM RETALIATION FOR PARTICIPATION IN SEXUAL AND OTHER PROHIBITED HARASSMENT PROCEDURES. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above, and will result in disciplinary action, up to and including termination.

E. City Responsibilities

1. Supervisors will strive to maintain a work place free from sexual and other unlawful harassment.
2. Supervisor will discuss this policy with all of their employees.
3. Directors and supervisors shall not enter into any type of romantic or sexual relationship with staff members under their supervision. Such relationships may be potentially detrimental to the working environment, may be deemed inappropriate and unacceptable, and may constitute grounds for disciplinary action, up to and including termination of employment, of all appropriate parties involved.
4. Annually, the City will provide sexual harassment and other unlawful harassment training to City employees.

Policy:	Smoking/Non-Smoking	**Policy No.**	300.16
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The City of Mission recognizes increasing evidence of health hazards due to tobacco smoke and in order to protect the health and welfare of its employees, it will provide a tobacco smoke free work environment.

PROCEDURES:

As a general rule, no smoking will be permitted on City property, City vehicles, City workplaces, work areas and temporary workplaces other than in designated smoking areas.

DEFINITIONS:

1. **"Temporary workplace"** means a stationary workplace that is staffed less than twenty (20) hours a week. A temporary workplace may be considered to be a work area of the headquarters from which employees are routinely dispatched. Temporary workplaces may include but are not limited to, pump stations, emergency response sites, digs, roadwork, and similar workplaces.
2. **"Work Area"** means a room, a defined space, a utility structure, or an emergency response site where employees are present.
3. **"Workplace"** means an establishment, job site, or project at one geographical location containing one or more work areas, with or without buildings, that is staffed 20 or more hours a week.
4. **"City Properties"** means any buildings that are owned by the City of Mission.
5. **"City Vehicles"** means any wheeled vehicle that is owned or leased by the City of Mission to include but not limited to: trucks, vans, cars, Police and Fire vehicles, tractors, loaders, back-hoes, etc.
6. **"Designated Smoking Area"** means any area outside of the workplace or work area, where tobacco smoke does not contact non-smokers or those affected adversely by tobacco smoke. If an indoor area is provided for smoking, it must be enclosed, provide mechanical ventilation away from other indoor rooms and must be clearly designated.

Policy:	Social Networking	**Policy No.**	300.17
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	11/13/2019

Employee Speech, Expression and Social Networking

PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of all social networking platforms. In addition, the policy will provide guidelines for the regulation and balancing of employee speech and expression with the needs of the City of Mission. Nothing in this policy is intended to prohibit or infringe upon any communication speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized employee of a recognized bargaining unit, about matters of public concern, such as misconduct or corruption. Employees are encouraged to consult with their director regarding any questions arising from the application or potential application of this policy.

APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, and use of all Internet services. This includes the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performances of the City of Mission. Due to the nature of the work and influence associated with the City of Mission, it is necessary that employees of the City of Mission be mindful of their speech and expression. To achieve its mission and efficiently provide service to the public, the City of Mission will carefully balance the individual employee's rights against the City of Mission's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the social networking platforms. Speech and expression that may negatively affect the safety of the City of Mission employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include, but not limited to:

- Disclosing the address of a fellow employee.
- Disclosing the full name of a fellow employee.
- Disclosing the date of birth of a fellow employee.
- Disclosing the phone numbers of a fellow employee.
- Disclosing the email of a fellow employee.
- Disclosing the Social Security number of a fellow employee.
- Disclosing the passport numbers of a fellow employee.
- Disclosing the driver license numbers of a fellow employee.
- Disclosing the account information of a fellow employee.
- Otherwise disclosing where another employee can be located off-duty.
    - Note: These are forms of Personal Identifiable Information (PII).

PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the City of Mission's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized employee of a recognized bargaining unit, on a matter of public concern):

a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, image or professionalism of the City of Mission or its employees.

b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City of Mission and tends to compromise or damage the mission, function, reputation of professionalism of the City of Mission or its employees. Examples may include:

    1. Statements that indicate disregard for the law of the city, state or U.S Constitution.
    2. Expression that demonstrates support for criminal activity.
    3. Participating in sexually explicit photographs or videos for compensation or distribution
    4. Human trafficking

c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the City of Mission.

e) Use or disclosure, through whatever means, of any information, photograph, video, audio or other recording obtained or accessible as a result of employment with the City of Mission for financial or personal gain, or any disclosure of such materials without the express written authorization of the employee, director or the authorized designee.

f) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of the City of Mission logos, emblems, uniforms, badges, patches, marked vehicles. This includes equipment or other material that specifically identifies the City of Mission on any personal or social networking or other website or web page, without the express written authorization of the director through the City Manager's office.

g) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or city-owned, for personal purposes while on-duty, except in the following circumstances:

    1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours)
    2. During authorized breaks; however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Employees are not restricted from engaging in the following activities as private citizens or as authorized employees of a recognized bargaining unit. Employees may not represent the City of Mission or identify themselves in any way that could be reasonably perceived as representing the City of Mission in order to do any of the following, unless specifically authorized by the director:

a) Endorse, support, oppose or contradict any political campaign or initiative.
b) Endorse, support, oppose or contradict any social issue, cause or religion.

c) Endorse, support or oppose any product, service, company or other commercial entity.
d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website, nor act as an agent of the city to enter into contactual obligations without explicit consent of the City Council and/or City Manager.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with the City of Mission, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City of Mission.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens. This includes as authorized employees of a recognized bargaining unit, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advice another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

POLITICAL ACTIVITY

No employee's shall be prohibited from engaging in political activity, unless otherwise prohibited by law, in violation of the City of Mission policy or any time an employee is on-duty or in uniform. Employees shall not be coerced or required to engage in political activity.

PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any City of Mission technology system. The City of Mission reserves the right to access, audit and disclose for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the City of Mission. This includes the City of Mission email system, computer network or any information placed into storage on any City of Mission system or device. This includes records of all Web-browsing history made at any City of Mission computer or over any City of Mission network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through City of Mission computers, electronic devices or networks.

CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that prohibited under this policy, the factors that the director or the authorized designee should consider include:

a) Whether the speech or conduct would negatively affect the efficiency of delivering public services. Whether the speech or conduct would be contrary to the good order of the City of Mission or the efficiency or morale of its employees.
b) Whether the speech or conduct would reflect unfavorably upon the City of Mission.
c) Whether the speech or conduct would negatively affect the employee's appearance of impartiality in the performance of his/her duties.
d) Whether similar speech or conduct has been previously authorized.
e) Whether the speech or conduct may be protected and outweighs any interest of the City of Mission.

TRAINING

Prior to implementation of this policy and once each year thereafter or as the law pertaining to employee speech and privacy evolves, the City of Mission will provide training regarding employee speech, privacy, and the use of social networking to employees and directors.

Policy: Solicitation	**Policy No.** 300.18
Chapter: 300.00 Employee Conduct & Welfare	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to treat employees, citizens, and individuals conducting business with the City of Mission in a consistent manner.

PROCEDURES:

A. Rules regarding fundraising soliciting, such as school fundraisers and charitable fundraisers for churches, schools, organizations or individuals, will be established and enforced by the individual Department Director with a recommendation to be cooperative and understanding of their fundraising efforts.

B. Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager.

C. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his or her employment according to his or her response to a solicitation.

D. A department is not obligated to receive solicitors and should direct all solicitors to the Purchasing department.

E. The City takes this policy seriously and violations will result in disciplinary action, up to and including termination of employment. Exceptions to this policy must be cleared by the City Manager.

Policy:	Uniforms	**Policy No.**	300.19
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to establish standards for employees who are required to wear uniforms.

PROCEDURES:

A. DEPARTMENTS/DIVISIONS AFFECTED: The City supplies employees with appropriate uniforms, when relevant to their job function. Employees in positions that require a uniform will be told how and where the uniform(s) can be obtained. The City will provide replacement uniform(s) as necessary.

B. APPROVED CITY UNIFORM: The approved City uniform varies from department to department. Employees who are provided with uniforms are required to wear their uniform when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty.

C. PROCEDURES AND RULES

1. Employees who are provided with uniforms are required to read, sign and date the "Issued Uniforms Acknowledgment" form.
2. Regular employees will be provided with uniforms within fourteen (14) days of employment.
3. Replacement items will be issued for damaged or worn out uniforms. It will be up to the immediate supervisor to determine items in such condition. Items lost will be the responsibility of the employee. Worn out or unsightly uniforms will be replaced subject to budgetary constraints.
4. City uniforms will not be worn while engaging in other employment or during off-duty hours, except to and from work. Uniforms will not be used outside of work, for personal use, or by any third party. (Exception: Police and Fire personnel, whose extracurricular activities are subject to their Department Director approval).
5. Uniforms are not to be altered without prior approval of the Department Director.
6. Employees who separate from employment must turn in all uniforms or reimburse the City for the cost.
7. The following rules will be required while in uniform:
    a. Uniforms will be worn while on-duty.
    b. Employees shall wear complete uniforms, in a neat and professional manner. No part of the uniform shall be worn by itself.
    c. Employees are not permitted to purchase, transport or consume alcoholic beverages at any time while wearing a City uniform. Refer to *Drug and Alcohol* policy.

D. VIOLATIONS

1. The City, within the limits prescribed herein, will assume the financial obligation for the replacement or repair of uniform(s) as a result of the non-negligent conduct of the employee in carrying out their prescribed duties. Otherwise, the City shall assume no financial responsibility as explained above.
2. When an employee separates from employment, uniforms and any other City equipment, which is in possession of the employee, must be returned in good condition. Uniforms not returned at separation from employment may be deducted from final paycheck.
3. Any employee found in violation of this policy will be subject to disciplinary action. Uniforms and/or any other City equipment not returned may hold the employee criminally and/or civilly liable.

Policy:	Weapons Ban & Violence Prevention	**Policy No.**	300.20
Chapter:	300.00 Employee Conduct & Welfare	**Effective Date:**	10/12/2015

STATEMENT OF PURPOSE:

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

Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person, whether the conduct occurs on duty or off duty, is prohibited.

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

Weapons Banned. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees licensed by State of Texas to carry a concealed weapon or open carry may have a permitted weapon only on the City parking lot if it is locked in the employee's vehicle. Employees licensed to carry concealed weapons or open carry must report to the Chief of Police their identity and license plate numbers of all vehicles that employee may park in City parking lots. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

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

Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City

locations as being protected areas must immediately provide to the Human Resources Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Human Resources Director of any protective or restraining order issued against them.

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

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

Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Director and/or the Police Department.

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

Policy:	Classification and Compensation Plan	**Policy No.**	400.01
Chapter:	400.00 Compensation	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The Classification and Compensation Plan is established by the City Manager and approved by the City Council. The purpose of the plan is to assure that each job is paid at a rate appropriate for the level and type of work performed both in relation to other positions and to the City's competitive labor market.

PROCEDURES:

A. The City has established a Classification and Compensation Plan for its employees. The Classification and Compensation Plan will be revised as needed to meet changing market conditions and the City's budget. All employees shall be paid according to this plan.

B. Each job title (position) shall be assigned to one of the pay grades listed on the Classification and Compensation Plan. The plan establishes base (entry-level) pay and pay ranges (maximum level) within each pay grade. Employees may be hired for positions at a higher pay than entry-level pay, based upon qualifications and work experience, with City Manager approval.

C. In order for employees to have the opportunity for pay improvement, specific guidelines for pay increases have been developed. It is the intent of the City to provide every employee an opportunity to move horizontally through the Compensation Plan.

D. The Compensation Plan establishes increments for COLA (Cost of Living) increases, as approved by City Council.

E. Compensation and salary adjustments for Civil Service employees shall be governed by the provisions of the Texas Local Government Code §143, to the extent those requirements are different from or in addition to the City's Classification and Compensation Plan Policy.

F. The Human Resources Director shall be responsible for continuous maintenance and administration of the plan to assure that the purpose of the plan is fulfilled as work requirement changes in the various departments and as conditions change in the labor market. The Human Resources Director shall further be responsible for the determination of positions eligible for overtime pay, and other positions which are exempt from those provisions, per federal law.

G. Longevity pay for civil service employees shall be established annually by ordinance and shall be calculated at a rate approved by the City Council. Accumulated longevity shall not exceed $100 per month, as approved by state law.

Policy: Method of Pay/Payroll Checks & Deductions	**Policy No.** 400.02
Chapter: 400.00 Compensation	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to establish procedures for issuing payroll checks and payroll deductions.

PROCEDURES:

A. METHOD OF PAY

1. All employees shall be paid according to a Classification and Compensation Plan established by the City Manager and approved by the City Council.
2. All hourly employees are required to complete and review time reports showing their hours worked each day via a time clock.
3. The pay period for all employees, unless otherwise specified, will be fourteen (14) days.
4. All employees are paid bi-weekly and will be paid every other Friday following the end of the work period. Each paycheck will normally include earnings for all hours worked through the end of the previous payroll period.
5. Compensation for employees who work overtime is separately listed as “regular” and “overtime” pay.
6. In the event that a regularly scheduled payday falls on a holiday, paychecks will be distributed on the last working day prior to the holiday.
7. If an employee is absent on a payday, the City will provide the employees paycheck to another person only if that person presents a note signed and dated by the employee authorizing the designee, by name, to receive the paycheck. The designee will be required to show proper identification.
8. All new employees are required to have direct deposit and have fourteen (14) days from date of hire to establish a bank account.
9. Refer to *Separation of Pay* policy for Final Pay.

B. PAYROLL CHECKS

1. Upon receiving their payroll check, each employee should verify that the hours, pay rate and deductions are correct. If any information on the paycheck is incorrect, the employee should inform his supervisor and the Payroll Division immediately.
2. Employees will receive an itemized statement of wages when the City makes direct deposits.

C. PAYROLL DEDUCTIONS

1. With each paycheck, the employee receives an earnings statement that itemizes the deductions from the paycheck. These deductions fall into two groups: those required by law and those authorized by City Council and for which the employee has made a voluntary written request.

2. Deductions required by law include:

   a. Federal Insurance Compensation Act (FICA, better known as Social Security/Medicare taxes) – A percentage of earnings is deducted from the employee's check, which may change from time to time by federal law. The City makes a separate contribution.

   b. Federal Withholding Income Tax – The amount deducted for Federal Income Tax withholding payments varies depending upon the employee's earnings and the number of exemptions authorized on the W-4 (Exemption Certificate). This form is given to the Payroll Division at the time of employment or other update time.

   c. Texas Municipal Retirement System – A percentage of earnings is deducted from the employee's check, which may change from time to time. The City contributes an additional amount to the employee's retirement account.

   d. Certain court ordered garnishments such as the collection of overdue federal taxes, child support payments, and garnishments ordered by a bankruptcy court.

3. Voluntary deductions may be authorized by the City Manager upon written request by the employee for the following items:

   a. Presently authorized medical insurance premiums

   b. Presently authorized "other Insurance" premiums

   c. United Way contributions

   d. Any other City authorized deduction.

4. No other payroll deduction privileges are authorized at this time, and no future payroll deduction privileges will be granted without the approval of the City Manager, except as otherwise provided by law.

D. WAGE OVERPAYMENT / UNDERPAYMENT

1. The City of Mission takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays.
2. In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Finance Director so that corrections can be made as quickly as possible. If the employee has been underpaid, the City of Mission will pay the employee the difference on the next paycheck. If the employee has been paid in excess of what he or she has earned, the City will enter a repayment agreement with the employee. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agreed-upon rate of pay.
3. Each employee will be expected to sign a "Wage Deduction Authorization Agreement" acknowledging and authorizing such a deduction if it should occur. We ask that employees realize that pay errors are not intentional and be understanding if such an event occurs.

Policy: On-Call	**Policy No.** 400.03
Chapter: 400.00 Compensation	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The City of Mission provides for after-hour service needs by allowing certain departments to designate certain employees to be on call.

PROCEDURES:

The City provides for after-hours service needs, when required, by allowing certain departments to designate employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by each department. Exempt employees are not entitled to extra compensation for on-call or call-back time.

1. Departments requiring employees to be on-call shall rotate the assignment throughout the department in an equitable and consistent manner, determined by the Department Director or supervisor.
2. Employees on vacation, sick, or other approved leave will not be required to be on-call. An employee is considered to be on-call only when approved by the supervisor in accordance with procedures established by the department.
3. An employee that is designated to be available for on-call and subject to call back is free to pursue personal activities within range to receive notice to return to work. The employee will be required to respond to call back (via paging, phone or radio) within designated guidelines set by the department.
4. Employees will be paid at their regular hourly rate until they exceed the established threshold for overtime pay.
5. All employees who are assigned to “on-call” duty will be paid a minimum of one (1) hour regular time. If called into work and the amount of time actually worked exceeds the one (1) hour minimum, the employee will be compensated for the actual hours worked. The hours paid for time recorded on time cards will be computed to the nearest quarter hour.
6. If employees are called to work on a scheduled day off, they will be paid for hours actually worked.
7. All employees designated to be on-call shall remain mentally and physically fit to accomplish services needed within the time frame required. Refer to *Drug and Alcohol Use* policy.

Policy:	Overtime/Compensatory Time	**Policy No.**	400.04
Chapter:	400.00 Compensation	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to identify and explain overtime pay eligibility for employees and to ensure that eligibility requirements conform to federal and state law.

PROCEDURES:

A. For overtime pay purposes, employees are divided into two broad categories:

1. NON-EXEMPT /HOURLY EMPLOYEES

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

b. All non-exempt employees must receive prior authorization from their supervisor and/or Department Director prior to performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled work day, without prior authorization. Similarly, employees may not work through the lunch break without prior authorization from the appropriate supervisor. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including termination of employment.

c. The City's workweek begins at 12:00 a.m. on Monday and ends at 11:59 p.m. the following Sunday. Overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours worked in excess of forty (40) in the City's work week.

d. Overtime pay is based on actual hours worked. Paid vacation and paid holiday leave are not included as hours worked for purposes of determining eligibility for overtime pay. In addition, time off on account of sick leave, court/jury duty leave, witness duty leave, bereavement leave, injury leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

e. Employees are not permitted to donate work time to the City.

2. EXEMPT EMPLOYEES

a. Exempt Employees – These employees are not entitled to receive overtime pay for work performed in excess of 40 hours per week. Thus, they are "Exempt" from the overtime pay obligation. Exempt employees receive the same salary each pay period, regardless of the number of hours worked.

B. NON-EXEMPT/HOURLY EMPLOYEES – COMPENSATORY TIME

1. Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation.
2. The Department Director may select the manner of overtime compensation (paid overtime or compensatory time) to be given to the employee prior to the time of the actual work. The Department Director must notify the employee of the selection of compensatory time or paid overtime prior to the hours being worked.
3. Employees requesting to use their compensatory time off will be permitted to use such time within a reasonable period after making the request, if such use does not unduly disrupt the operations of the department affected.
4. All non-exempt employees, except public safety personnel, may accrue up to 240 hours (160 hours worked x 1.5) compensatory time. Since compensatory time is accumulated at 1.5 hours, this is 160 hours of actual overtime worked.
5. Public Safety employees may accumulate up to 480 hours of compensatory time.
6. Every effort must be made to use accrued compensatory time by the end of the fiscal year in which it was accrued by requiring the employee to take such time off. Employees who have accrued the maximum allowable amount of "comp time" shall thereafter be paid for the overtime hours worked.
7. The City Manager may at any time elect to pay wages to a non-exempt employee for accrued compensatory time. In such cases, payment will be made at the employee's current hourly rate. Upon separation of employment, a non-exempt employee will be paid for accrued compensatory time at the employee's final regular rate of pay.

C. EXEMPT EMPLOYEES–DISCRETIONARY TIME

1. Exempt employees are not eligible to receive overtime pay. Exempt employees may be required to work in excess of forty (40) hours in a certain work week and are expected to work as necessary to complete their job assignments.
2. The Department Director may grant discretionary time off in recognition of hours worked by an exempt employee, if the departmental workload allows. **Discretionary leave for exempt personnel is not a right and is not provided on an hour-for-hour basis.** Exempt employees wishing to take more than four (4) hours of discretionary time are required to obtain advance approval from the City Manager through the Department Director. There will be no monetary reimbursement made for discretionary time for exempt employees at separation or at any other time, regardless of the circumstances.
3. "Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Human Resources Director.

4. An exempt employee need not be paid for any work day in which no work was performed, unless accrued leave time is used.

5. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made must immediately notify the Human Resources Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

Policy: Rest Breaks and Meal Periods	**Policy No.** 400.05
Chapter: 400.00 Compensation	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to provide guidelines for rest breaks and meal periods.

PROCEDURES:

A. REST BREAKS

1. The privilege of two paid fifteen (15)-minute rest breaks may be given depending on individual departmental work schedules and at the discretion of the supervisor if the rest periods do not interfere with work responsibilities. One rest break may be taken during the first part of the work day and the other during the latter part of the work day.
2. Break practices shall not permit:
   - Saving rest periods to extend lunch or shorten the workday.
   - Time off or overtime pay for work performed during rest period.
   - Combining both daily breaks into one 30-minute rest period.
3. Time spent "in transit" to take a break will apply to the 15-minute break period. Employees in field operations will take their breaks at the job site.
4. Individuals while on rest periods are still considered to be on duty and as such subject to their supervisor's direction. Individuals on rest break are not permitted to go to their place of residence.

B. LACTATION BREAKS

Non-exempt employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child. Employees will not be retaliated against for exercising their rights under this policy. Contact Human Resources if lactation break is requested.

C. MEAL PERIODS

Supervisors, with approval of the Department Director, shall determine meal periods. Generally, a 30-minute or one-hour meal period shall be provided to all employees; however, work schedules and other job-related functions may necessitate variations in the scheduling of the meal period. Meal periods are not paid time, except in those circumstances dictated by law.

D. VIOLATIONS

Excessive long rest breaks and non-approved extended meal periods will be grounds for disciplinary action, up to and including termination of employment.

Policy: Work Hours	**Policy No.** 400.06
Chapter: 400.00 Compensation	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to outline the work hours of the City of Mission.

PROCEDURES:

The City's work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. the following Sunday. The regular workday normally beings at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours (shift work).

A. REGULAR WORK HOURS:

1. The standard workday for full-time employees (with the exception of fire suppression) will be eight (8) hours exclusive of one meal period.
2. The standard workweek for all employees except fire suppression shall be forty (40) hours in a seven (7) day work week.
3. Controlling work time – Each Department Director is responsible for ensuring that supervisors and employees are complying with established work schedules. Employees are responsible for compliance with work schedules, and for not performing work that is unscheduled or non-directed. Any hours to be worked in excess of eight (8) hours in a day or forty (40) hours in a week, except in the case of serious emergencies, will require the advance approval of the Department Director or the supervisor. Similarly, non-exempt employees may not start work earlier than their regularly scheduled hours without the prior authorization of the Department Director.
4. Adjustment to Work Hours – In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous services to the public. Employees are expected to cooperate when required to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and includes that the employee be available to do such work. The City reserves the right to require employees to work overtime on a given day or week. Refusal to work overtime may subject the employee to disciplinary action, up to and including termination of employment.

B. FLEX-TIME/COMPRESSED WORK WEEK

The City has not established a set Flex-Time or compressed work week policy, but instead, encourages Department Directors to exercise schedule variations as a way to eliminate overtime, etc.

C. WORK PERIOD AND WORK HOURS FOR UNIFORMED FIRE SUPPRESSION EMPLOYEES

1. The City of Mission has Fire Personnel in its Fire Department who qualify for the Section 207 (k) exemption from overtime under the Fair Labor Standards Act (FLSA). The City of Mission utilizes the FLSA's 207 (k) exemption when calculating overtime pay for its Fire Personnel.
2. The standard work day (shifts) for uniformed employees of the Fire Department may consist of the following depending on assignment:
   - Twenty-four (24) hour shift consisting of two (2) twelve (12) hour workdays; or
   - An eight (8) hour work day for special training/assignment; or
   - As assigned by the Department Director.
3. The City of Mission designates a work period of twenty-eight (28) days consisting of two hundred twelve (212) hours pursuant to Section 207 (k) of the Fair Labor Standards Act for all fire personnel who are eligible to be paid overtime under the 207 (k) exemption. For the benefit of the fire fighters, the City will divide the 28-day work cycle into two (2) fourteen day periods. Overtime will be paid for hours worked over a 106-hour threshold (this threshold is a pro-rata of the 212-hour work cycle). Hours worked in excess of 106 in the work cycle, exclude any non-worked time such as, sick leave, vacation leave, comp time, holiday leave, or bereavement leave.
4. Fire fighters scheduled to work a 40-hour work week, who exceed the established overtime threshold shall be paid at one and one half times their straight time hourly rate for those hours or may be granted compensatory leave.
5. Benefits for fire fighters shall be accrued and used based on an 8-hour or 12-hour workday, depending on assignment.

D. SAME DAY TRAVEL

1. Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday, must be counted as hours worked.
2. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and carry tools, the travel from the designated place to the work place is part of the day's work, and must be counted as hours worked regardless of custom, or practice.
3. If an employee normally finishes his work on the premises at 5 p.m. and is sent to another job which he finishes at 8 p.m. and is required to return to his employer's premises arriving at 9 p.m., all of the time is working time. However, if the employee goes home instead of returning to his employer's premises, the travel after 8 p.m. is home-to-work travel and is not hours worked.

E. TRAVEL AWAY FROM HOME COMMUNITY

1. Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The employee is simply substituting travel for other duties.

2. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 8 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is work time on Saturday and Sunday as well as on the other days. Regular meal period time is not counted.
3. Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile, will not be considered as work time.
4. Travel time considerations should be made prior to travel with the intent to minimize or eliminate overtime compensation cost.

Policy:	Employee Assistance Program (EAP)	**Policy No.**	500.01
Chapter:	500.00 Benefits and Services	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The City of Mission values its employees and recognizes that competing demands of work and life can be stressful. To help employees who might want or need help, the City provides an assistance program resource. It is the City's goal to establish an employee assistance program to help and encourage the employees in need of seeking and receiving professional counseling assistance.

PROCEDURES:

A. The City of Mission has a strong commitment to the health, safety, and welfare of its employees and their families. The Employee Assistance Program (EAP) offers a variety of services and assistance to City of Mission regular full-time employees and their family members. These services are offered free of charge to the employees and their immediate family and include confidential counseling, depression screening, personal development resources, and referral for drug and alcohol addiction treatment.

B. In addition, the EAP is a valuable resource to managers and supervisors for advice and guidance on dealing with difficult employee issues, post traumatic event briefings, employee briefings on a variety of topics, and referral to other resources. While the City of Mission has no intention of intruding into the private lives of its employees, the City recognizes personal problems may eventually impact job performance. The objective is to assure that employees report to work in condition to perform their duties safely and efficiently in the interest of their fellow workers, themselves, and our citizens.

C. The City of Mission offers this benefit to provide assistance to the employees through the Employee Assistance Program (EAP), but the initiative in seeking such help is the responsibility of the employee.

D. The Employee Assistance Program is professional and confidential.

Policy: Holidays	**Policy No.** 500.02
Chapter: 500.00 Benefits and Services	**Effective Date:** 10/01/2018

STATEMENT OF PURPOSE:

The City of Mission provides fourteen (14) paid holidays to eligible City employees.

The following **official holidays** will be observed:

New Year's Day	(January 1st)
President's Day	
Good Friday	
Memorial Day	
Independence Day	(July 4th)
Labor Day	(September 11th for Civil Service)
Veteran's Day	
Day Before Thanksgiving	4 Hours
Thanksgiving Day	
Day After Thanksgiving	
Christmas Eve	(December 24th)
Christmas Day	(December 25th)
New Year's Eve	(December 31st) 4 Hours

Optional Holiday One day within calendar year

PROCEDURES:

A. HOLIDAY COMPENSATION

1. For *regular full-time employees* a holiday is a period of four (4) or eight (8) hours, paid at the employee's regular rate of pay, except in the case of 24-hour Fire Department shift employees where the holiday is twelve (12) work hours.
2. *Regular part-time employees* will receive pay for holidays on a pro-rata basis based on a percentage of their normal authorized weekly hours.

B. SCHEDULING OF HOLIDAY (Weekend/Christmas)

1. Holidays that fall on a Saturday will be observed on the preceding Friday and those that fall on a Sunday will be observed on the following Monday.
2. Special Provisions for Christmas Eve/Christmas Day - When either or both of these adjacent holidays fall on a Saturday or Sunday they will be observed as follows: if Christmas Day falls on a Monday, the following Tuesday will also be a holiday; if Christmas Day falls on a Saturday, then the following Monday will be observed as a holiday; and if Christmas Day falls on a Sunday, then the Christmas Eve holiday will be observed on Friday and the Christmas Day will be observed on a Monday.

C. EMPLOYEES REQUIRED TO WORK ON AN OFFICIAL CITY HOLIDAY

1. Non-exempt employees who work on Thanksgiving Day and/or Christmas Day shall be compensated at 1 ½ times their regular rate for hours worked on that or those days.
2. Employees who are scheduled to work on an official City holiday (excluding Thanksgiving and/or Christmas Day) will take holiday leave at a later date, but no later than the current fiscal year.
3. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at regular rate of pay (excluding Thanksgiving and/or Christmas Day), in addition to being paid for the holiday.

D. INELIGIBILITY FOR HOLIDAY PAY

1. Employees on unpaid leave, or utilizing sick leave sharing hours, are not eligible for holiday pay.
2. Non-exempt employees, including Civil Service, who are absent without authorized leave on the day preceding and/or following a holiday may not receive the compensation for the holiday. A Department Director may request a doctor's excuse from an employee for any sick leave utilized.
3. Temporary/Seasonal employees do not qualify for holiday pay.
4. An employee on Workers' Compensation leave, who is not on salary continuation, will not receive holiday pay.

E. EMPLOYEES SCHEDULED "OFF DUTY" ON A HOLIDAY

When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will be given holiday leave at a later date when mutually convenient for the department and the employee.

F. HOLIDAY OCCURING DURING VACATION LEAVE

A holiday that falls while an employee is on vacation leave will be paid as a holiday in lieu of vacation leave they would have received at the time of the holiday.

G. OPTIONAL HOLIDAY

Employees may only use **ONE** Optional Holiday per calendar year at the discretion of the Department Director who is responsible for continued departmental operations.

Policy: Insurance	**Policy No.** 500.03
Chapter: 500.00 Benefits and Services	**Effective Date:** 10/01/2019

STATEMENT OF PURPOSE:

Our mission is to promote health awareness and to encourage healthy lifestyles. Our goal is to improve employee health and increase employee moral by offering preventative health care programs and motivate employees to be proactive about personal health and wellness.

PROCEDURES:

Employee insurance benefits cover part of the cost incurred for medical care. Coverage is provided for an eligible employee and if applicable, eligible dependents. The City of Mission is committed to providing a flexible and cost-effective medical and life insurance program for each regular full-time employee and eligible part-time employees. Employees are eligible to participate in a Cafeteria Benefit Plan which offers savings through the use of pre-tax dollars. The employee portion of all insurance premiums shall be paid through payroll deductions.

A. HEALTH INSURANCE

1. *Regular full-time employees*—are eligible for medical insurance benefits and must enroll within thirty (30) days from date of hire. If an employee fails to enroll eligible dependents or enroll in voluntary supplemental coverage within that period, he/she must wait for the annual open enrollment period. Insurance coverage begins on the first day of the month following thirty (30) days from date of hire. This insurance is effective so long as the employee remains on regular full-time payroll.
2. *Part-time employees*—who average a minimum of thirty (30) hours per week in a 12-month period are eligible to purchase the medical plan and voluntary products. Part-time employees who average less than thirty (30) hours per week in a 12-month period are not eligible for medical insurance benefits or voluntary supplemental insurance products.
3. *Temporary/seasonal employees*—are not eligible for medical insurance benefits or voluntary supplemental insurance products.
4. It is the employee's responsibility to notify the Human Resources Department of any family status or eligible dependent changes so that proper coverage can be obtained and the correct premium amount be charged. New dependents acquired by marriage or birth must be added on a timely basis in accordance with the provisions of each respective plan. Coverage for any dependent ceases when the dependent is no longer eligible.
5. The City of Mission reserves the right, in its discretion, to change the nature of the benefits offered to employees, or to change insurance carriers, deductibles, premiums, or other features of any benefit. In addition, the City of Mission may decide to discontinue one or more benefits. Covered employees will be notified of such changes or discontinuations as soon as practicable.

B. RETIREE HEALTH COVERAGE

The City shall offer employees retiring with the City the option to purchase continued health benefits coverage as outlined in the Texas Local Government Code §175.001, as amended.

1. An employee can elect retiree coverage only if the employee was covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents that were covered under the plan at the time the employee retired, at the employee's expense for a period not to exceed eighteen (18) months of COBRA coverage. A dependent who was not covered under the plan at the time of the employee's retirement is not eligible for coverage.
2. The level of retiree coverage will be as per the Retiree Plan. The City may provide for a different monthly premium rate(s) for retirees and their dependents who elect to continue health benefits coverage.
3. Regular full-time employees with less than twenty-five (25) years of employment with the City, upon retirement, shall be eligible for health benefit coverage with the City at their expense, until the age of 65 or Medicare eligible. Regular full-time employees with twenty-five (25) years or more of employment with the City upon retirement, the City shall pay the full cost for the COBRA coverage for a maximum of twelve (12) months, until the age of 65 or Medicare eligible.
4. After the twelve (12) months of City paid COBRA coverage, the City will cease to continue paying the cost of coverage for the employee. Once the City's contribution ceases the entire cost of COBRA and retiree continuation coverage (if applicable) shall be paid by the retiree.
5. An employee is eligible to retire from the City of Mission at age sixty (60) with five (5) years of service or at any age with twenty (20) years of service. In any event, coverage under the City health plan, shall end upon the retiree reaching the age of 65 or Medicare eligible.

C. CONTINUATION OF INSURANCE (COBRA)

The federal Consolidation Omnibus Budget Reconciliation Act (COBRA) provides that all employees are eligible to continue their group insurance for a maximum of eighteen (18) months when employment is terminated due to resignation, retirement, reduction in employees, reduction of work hours, or dismissal for reasons other than gross misconduct. The law also entitles dependents of a covered employee to continue their group insurance coverage for a maximum of eighteen (18) months upon the separation of a covered employee or a reduction in such employee's hours of employment; and up to thirty-six (36) months upon the death of a covered employee, divorce or legal separation, when dependent children are no longer "eligible dependent" under the definition in the policy, or when the employee becomes Medicare eligible. The employee or dependent must request continuation of coverage and must pay the full cost of coverage.

Policy: Modified Duty	**Policy No.** 500.04
Chapter: 500.00 Benefits and Services	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

To provide uniform procedures for a City-wide Modified Duty/Return to Work Program for all full or part-time non-civil service employees who have suffered a work-related injury.

PROCEDURES:

A. TIME LIMITATIONS

The maximum time an employee will be permitted to remain on any combination of injury leave and/or modified duty assignment is 180 calendar days per injury. If after 180 days the employee is unable to return to perform the essential functions of their regular position with or without accommodations, the employee may be terminated.

B. REQUIREMENTS FOR MODIFIED DUTY

Employees may be assigned modified duty work, **within the employee's department,** when temporarily unable to perform their normal work because of an on-the-job injury. Modified Duty is construed to mean work with less physical demand that meets the restrictions prescribed by the doctor, unless otherwise required by ADA accommodation. The Department Director, in accordance with the Risk Management Director, will determine if Modified Duty can be offered to an employee when the following requirements are met:

1. Duties will be compatible with the employee's current physical capabilities and restrictions as determined by the employee's treating physician.
2. The assignment must fulfill a necessary job function or functions.
3. The employee is capable of performing the work.

C. REVIEW OF PLACEMENT ON MODIFIED DUTY

When an employee has been on modified duty status for over thirty (30) days, the Risk Management Director will review the employee's treating physician's evaluations. At that time the Risk Management Director, along with the employee's Department Director, will assess whether to allow the employee to continue on modified duty.

D. REASONS FOR TERMINATION

Employees while on Modified Duty assignment will be terminated if they:

1. Refuse to return to duty on the workday they have been released by the treating physician.
2. Refuse to accept or perform a Modified Duty assignment within the City when offered and which the treating physician has authorized and the employee can perform, and family medical leave has been exhausted.

3. Is found to be working, either part-time or full-time and either for pay or as a volunteer or otherwise, for or on behalf of himself or any other person, firm or corporation, or any other employee.
4. Fails or refuses to comply with, follow, disregard, or violate the treating physician's instructions regarding treatment and/or rehabilitation of their injury.
5. If employee is found to have committed fraud.
6. Participating in activities that would be detrimental to recovery or failing to limit activities to those that will aid in healing.

E. SALARY DURING MODIFIED DUTY

Employees on temporary Modified Duty assignment will be paid at the same hourly rate they were receiving prior to the date of their injury/illness.

Policy:	Texas Municipal Retirement System (TMRS)	**Policy No.**	500.05
Chapter:	500.00 Benefits and Services	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The City of Mission participates in the Texas Municipal Retirement System (TMRS) which provides retirement benefits to eligible employees.

PROCEDURES:

A. All regular full-time and part-time employees become members of TMRS upon employment. Refer to *Categories of Employment* policy.

B. Regardless of age, employees become a member of TMRS on the date employed by the City.

C. Employees covered under TMRS are required to contribute a percentage of their pay to be deposited into their TMRS account. The City of Mission currently contributes matching funds pursuant to actuarial assumptions.

D. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from the Payroll Division, Human Resources Department, or TMRS.

E. Participation by every regular full-time and part-time employee is a condition of employment.

F. Temporary/Seasonal employees are not eligible to participate in TMRS.

Policy: Vacation	**Policy No.** 500.06
Chapter: 500.00 Benefits and Services	**Effective Date:** 10/01/2018

STATEMENT OF PURPOSE:

Vacation leave is an earned benefit intended to provide regular full-time employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual.

PROCEDURES:

A. ACCRUALS

1. Regular full-time employees begin to accrue vacation hours upon completion of thirty (30) days of employment.
2. Employees with 0-5 years of service will accrue vacation biweekly at the rate of 3.08 hours, not to exceed eighty (80) hours per fiscal year. Employees with 6+ years of service will accrue vacation biweekly at the rate of 4.62 hours, not to exceed one-hundred twenty (120) hours per fiscal year. Refer to Leave Accrual table (Appendix E).
3. Vacation accrual of Civil Service employees shall be in accordance with the provisions of the Texas Local Government Code Chapter 143, Local Civil Service Rules and departmental policies.
4. **Vacation leave accrued prior to 10/01/2012, will be available to the employee and may be used as per this policy.**

B. USE AND SCHEDULING OF VACATION

1. Effective October 1 of each fiscal year, or after the completion of the initial thirty (30) days of employment, employees will be eligible to take up to their maximum annual accrual amount.
2. Non-civil service employees, with less than six (6) years of service, are required to take up to five (5) work days or forty (40) hours of vacation, per fiscal year. Employees shall forfeit up to five (5) work days of accrued vacation leave if not utilized by September 30 of each fiscal year. Non-civil service employees, with six (6) years of service or more, are required to take up to ten (10) work days or eighty (80) hours of vacation, per fiscal year. Employees shall forfeit up to ten (10) work days of accrued vacation leave if not utilized by September 30 of each fiscal year.
3. Civil Service employees are required to take up to ten (10) work days of vacation per fiscal year. For police personnel, this equals to eighty (80) hours of vacation. For fire personnel, this equals to eighty (80) hours or one-hundred twenty (120) hours of vacation, depending on assignment. Civil Service employees shall forfeit up to eighty (80) or one-hundred twenty (120) hours respectively, of accrued vacation leave if not utilized by September 30 of each fiscal year.
4. All employees will be eligible to carry over a total of five (5) work days or forty (40) hours of vacation leave per fiscal year, for a maximum carry over amount of twenty-five (25) days. These banked hours are not eligible for pay-out at separation of employment and will be forfeited. All accrued hours must be exhausted prior to using new banked hours.

5. Vacation leave may be used to attend to personal business, extension of sick leave when sick leave is exhausted, inability to attend work because of inclement weather, or for other purposes. During the month of September, vacation hours eligible during the current fiscal year may be used in place of sick leave if the employee is on family and medical leave.
6. Employees may request vacation in hourly increments.
7. Unless otherwise approved by the Department Director, an employee must make a written request at least five (5) working days in advance.
8. Vacations are to be scheduled at times that are convenient to the department and with consideration of the employee's preference.
9. The Department Director or designee shall be responsible for scheduling vacations to allow for adequate staffing to meet the departmental work load. This scheduling may specify periods during which some or all employees may not take vacation leave. All vacation requests are subject to prior approval of the Department Director.9. The maximum continuous vacation that can be authorized is three (3) calendar weeks, unless otherwise approved by the City Manager.
10. Employees who utilize vacation hours in excess of their accrued balance and who terminate prior to September 30, will be required to reimburse the City for hours taken but not accrued, as allowed per FLSA.

C. COMPENSATION FOR VACATION LEAVE

1. Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked.
2. Official City observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Refer to *Holidays* policy.
3. Paid vacation leave is not considered hours worked for purposes of performing overtime calculations. Refer to *Overtime/Compensatory Time* policy.
4. To ensure proper payment of vacation pay, employees must ensure they have an **approved** Leave Request form on file before leaving for vacation.
5. If an employee is called to work while on an approved day of vacation leave, the actual hours worked will not be charged to the employee's vacation leave balance.

D. VACATION LEAVE DISBURSEMENT AT SEPARATION FROM EMPLOYMENT

1. Upon separation from employment (resignation, dismissal, retirement, or death) an employee **hired on or after 10/01/2012,** shall be paid for accrued vacation as per the following provisions:
   i. An employee must have completed a minimum of one (1) year service with the City to be entitled to this payout provision upon separation.
   ii. An employee shall be paid in a lump sum for accrued vacation, not to exceed one-hundred twenty (120) hours. Banked hours are not eligible for payout.
2. Upon separation from employment (resignation, dismissal, retirement, or death) an employee **hired prior to 10/01/2012,** shall be paid for accrued vacation as per the following provisions:

i. An employee must have completed a minimum of one (1) year service with the City to be entitled to this payout provision upon separation.

ii. An employee with one (1) through twenty-nine (29) years of service with the City shall be paid in a lump sum for accrued vacation, not to exceed two hundred and fifty (250) hours. New banked hours are not eligible for payout.

iii. Upon retirement, an employee with a minimum of thirty (30) years of employment with the City shall be paid in a lump sum for the entirety of accrued vacation.

iv. Please refer to Leave Disbursement table (Appendix F).

Policy: Workers' Compensation	**Policy No.** 500.07
Chapter: 500.00 Benefits and Services	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The City of Mission will ensure that all City employees who are injured in the course and scope of their employment be afforded the protections guaranteed by the applicable state law.

DEFINITION:

The term "injury" as used in this policy shall mean an injury to the physical structure of the body or a part thereof including any subsequent aggravation or re-injury that occurs while the employee is acting in the course and scope of their employment and shall not include any illness, disease or infection except such illness, disease or infection as is directly caused by the performance of their job.

PROCEDURES:

A. WORKERS' COMPENSATION BENEFITS

1. Employees, who sustain an injury at work, may be eligible to receive medical and other benefits. These benefits include compensation payments and reasonable and customary medical care.
2. Employees who are unable to perform the essential functions of the job due to a work related illness or injury are eligible for compensation and benefits as prescribed by applicable programs. Employees must contact Risk Management regarding the specific benefits provided by the City's programs.
3. Civil Service Employees on leave due to an on-the-job injury are entitled to leave as governed by the Texas Government Code Chapter 143.
4. Employees must contact Risk Management for specific program details.

B. INJURY LEAVE

1. A non-civil service regular full-time or part-time employee who sustains an on-the-job injury which renders the employee unfit to perform their job duties, will be compensated up to five (5) work days of injury leave with pay. Injury leave in excess of the five (5) work days will not be charged against the employee's accrued sick leave, vacation leave, and/or other compensated leave time unless the employee opts to use accrued leave to supplement workers' compensation indemnity payments.
2. Time lost due to the injury will be reported on the employee timesheet as injury leave. An employee will not accrue sick or vacation leave while on injury leave, unless he/she is utilizing their accrued leave hours to supplement workers' compensation indemnity payments. The employee will be permitted to remain on injury leave up to six (6) months/180 days (up to one (1) year and 180 days for civil service employees).

   Note: *No employee shall be able to utilize sick and/or vacation leave as a result of a job injury, illness or disease incurred while employed by another employer.*

3. While the employee's leave status is reported as injury leave, the City will continue to cover the City paid health premiums for the employee only. These benefits will be provided to the employee under the same condition as if the employee was actively working.

   An employee who is on injury leave and opts not to and/or fails to pay dependent premiums, and/or voluntary supplemental insurance premiums, shall have insurance benefits cancelled for non-payment. A 30-day grace period for payment of employee premiums will be provided before coverage is terminated.

4. Employees out on injury leave shall have time run concurrent with family and medical leave.

C. WORKERS' COMPENSATION CONDITIONS

1. Any employee who sustains an on-the-job injury, however minor, and who is physically able, **must report the injury immediately (within 24 hours)** to the supervisor and/or Department Director and receive such medical treatment as necessary. Failure to report an injury in that period may lead to disciplinary action.
2. All employees, police reserve officers and volunteer firefighters shall submit to a post-injury/post-accident drug & alcohol test in accordance with the *Drug and Alcohol Use* policy.
3. Temporary/seasonal employees are eligible for Workers' Compensation unless employment is through an employment or staffing agency.
4. Before reporting back to work, from an on-the-job injury, an employee must provide a Texas Workers' Compensation Work Status Report (DWC-73) from the attending physician to the Risk Management Department. The DWC-73 should indicate the employee's fitness to return to duty, stipulate the type of duty permitted, specify any physical restrictions, and the date of the employee's release from medical care. This release shall be submitted to Risk Management Department before the employee returns to work.
5. An employee who is receiving Workers' Compensation benefits shall not be working, either part-time or full-time and either for pay or as a volunteer or otherwise, for or on behalf of himself or any other person, firm or corporation, or any other employer.

D. INELIGIBILITY AND WORKERS' COMPENSATION BENEFIT TERMINATION

An employee may forfeit all rights to initial and/or further Workers' Compensation benefits if the employee:

1. Fails or refuses to comply with, follow, disregard, or violate the treating physician's instructions regarding treatment and/or rehabilitation of their injury.
2. Refuses to accept or perform a different job within the City when offered and which the treating physician has authorized and the employee is qualified for.
3. Falsifies or misrepresents their physical condition or capacity.
4. Refuses to return to duty on the workday they have been released by the treating physician.
5. Fails to contact the Risk Management Department when a significant change in the employee's progress occurs. In addition, each time an employee sees a doctor for consultation or treatment, a Work Status Report (DWC-73) must be submitted to the Risk Management Department by the injured employee.
6. Is found to be working, either part-time or full-time and either for pay or as a volunteer or otherwise, for or on behalf of himself or any other person, firm or corporation, or any other employer.

7. Has a positive result for a post-accident/injury drug and/or alcohol test in violation of City's policy.
8. Fails to keep medical appointments or refuses to submit to an examination and treatment that is job related and "consistent with business necessity."
9. Is injured:
    a. While engaged in horseplay;
    b. While intoxicated by alcohol, controlled substances, glue, paint or any other means;
    c. In willful efforts to injure him/her self;
    d. By an act of a third person to injure employee at employee's behest;
    e. Through voluntary participation in off-duty recreational and/or social activities;
    f. As the result of the employee's violation of any Federal, State or local law, ordinance or state law.
10. Fails to report the injury to their immediate supervisor and/or Department Director within the time established by the Division of Workers' Compensation regulations.
11. Refuses to submit to a City requested examination or to such diagnostic test, x-rays, surgical procedures or other treatment as such physician or psychologist prescribes or recommends as medically or psychologically necessary to identify, diagnose, treat, or cure the employee's injured condition that is job related and "consistent with business necessity."

E. GROUNDS FOR TERMINATION

An employee may be terminated from his employment with the City for reasons such as the following:

1. Participating in activities that would be detrimental to recovery or failing to limit activities to those that will aid in healing.
2. Failing to follow prescribed treatment including medical appointments.
3. Refusing/failing to return to duty on the workday they have been released by the treating physician.
4. Failing to report that while receiving Workers' Compensation Benefits the employee was employed elsewhere, either part-time or full-time and either for pay or as a volunteer or otherwise, for or on behalf of himself or any other person, firm or corporation, or any other employer.
5. Business necessity to refill position and employee not released to return to work by physician.
6. Found to have committed fraud.

F. TERMINATION FOR CAUSE OR LAY-OFF

This program does not change or remove the at-will employment status of any employee. This policy does not preclude an employee from being terminated during an official reduction-in-force due to budget reductions.

Policy: Administrative Leave	**Policy No.** 600.01
Chapter: 600.00 Leaves of Absence	**Effective Date:** 03/13/2020

STATEMENT OF PURPOSE:

In special circumstances, employees may request an Administrative Leave without Pay for medical, emergency, educational, or other purpose. In an Emergency Response Health Declaration, the City may approve an Administrative Leave with Pay for a First Responder/Employee for a work related incident. This policy outlines the process and guidelines for granting such leave.

ADMINISTRATIVE LEAVE WITHOUT PAY

DEFINITION:

An administrative leave without pay may only be granted after exhausting all applicable vacation leave accruals. However, if the administrative leave without pay is due to illness or personal injury, all sick leave and FMLA leave accrual, must also be used prior to authorization. An Administrative Leave without Pay may be considered in the following circumstances:

- Recovery for extended illness, injury, or temporary disability
- Extended care for immediate family members
- Educational purposes when successful completion will contribute to the work of the City
- Public service assignment
- Personnel exchange programs which emphasize intergovernmental relations
- In accordance with FMLA guidelines and policies.

PROCEDURES:

A. DOCUMENTATION

1. The employee must submit an “Administrative Leave Without Pay Request” to the immediate supervisor explaining the need for the request as far in advance as possible prior to the requested leave date. The supervisor will then submit the request to the Department Director for approval.
2. All administrative leaves without pay require the approval of the Department Director and the City Manager.
3. A health related absence must be supported by documentation and submitted to the Human Resources Department. The employee shall be required to contact a designated supervisor to report on the employee’s condition or status every thirty (30) days. Before returning to work the employee shall be required to submit a Medical Release from the doctor stating that the employee is able to resume normal job duties.

B. FACTORS FOR APPROVAL

1. Factors for approval will be based on the reason for the leave; the employee’s length of service; employee’s workload; departmental work requirements; the degree of advance notice given prior to the expected start of the leave; the employee’s work performance and disciplinary history; the anticipated date of return; the legitimacy of

the request; and previous exhaustion of all applicable vacation and other leave accruals. If the leave of absence is not a medical leave of absence, sick leave accrual is not an option that can be used.

2. Approval of a leave of absence protects the employee's position with the City for the specified period of time stated in the approved request for leave, as per Reinstatement section in this policy.

C. CHANGE IN BENEFITS

1. While on an administrative leave without pay, an employee is not eligible for holiday pay.
2. Leave benefits (sick, vacation, holiday, etc.) will not accrue during unpaid leave or during any other non-paid status.
3. Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of an administrative leave without pay. Insurance coverage may be continued by arrangement where the employee pays their and the City's portion of the insurance premium. An employee's failure to pay insurance premiums during an administrative leave without pay may result in cancellation of coverage.
4. Employees while on an administrative leave without pay will not be eligible for promotions or pay increases. Appropriate pay increases will be given to employees when applicable and effective on the date of return. Pay increases will not be retroactive.

D. EXTENSIONS

1. The employee may seek an extension(s) of leave, up to a maximum of 180 total days (6 months) away from work.
2. Criteria for an extension of a leave of absence includes that stated in Section B1, plus consideration of the number of previous extensions and the total length of the leave. The employee will also follow the process outlined in Section A1 of this policy for making this request.
3. All extensions must be approved by the City Manager.

E. REINSTATEMENT

1. Employees returning from an administrative leave without pay will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement.
2. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available.

F. VIOLATIONS

1. Misrepresentations of the purpose of an administrative leave without pay by the requesting employee may result in cancellation of the leave and disciplinary action up to and including termination of employment.
2. Failure to provide required medical status reports/physician's statements; failure to return/report to work upon release by a physician; or to contact the City per the required provisions will result in revocation of the leave and/or disciplinary action, up

to and including termination of employment. An employee who fails to return to work at the conclusion of an approved leave will be considered to have voluntarily resigned employment and the position will be considered vacant and may be filled.

3. Other Employment During Leave: Under no circumstances may an employee on an authorized Administrative Leave Without Pay work another job, whether for pay; as a volunteer, or as self-employment, other than those expressed in this policy or authorized in writing by the City Manager. Refer to *Outside Employment* policy.

G. MILITARY LEAVE

Refer to the City's *Military Leave* policy.

ADMINISTRATIVE LEAVE WITH PAY – During an Emergency Response Health Declaration

A. During an Emergency Response Health Declaration, the City of Mission may grant Administrative Leave with Pay to a First Responder/Employee, for a work related incident, as a matter of discretion by the City Manager (or designee), when no other paid leave category is available or applicable, and leave without pay would not be appropriate.

B. Department Directors, upon approval of the City Manager, may grant Administrative Leave with Pay, for a work related incident.

C. Administrative Leave with Pay granted to a First Responder/Employee will be submitted in writing by the Department Director and forwarded to the Human Resources Director for processing. A Request for Leave shall be submitted along with the written request for Administrative Leave with Pay.

D. The Administrative Leave with Pay is not to exceed thirty (30) days or 240 hours.

Policy:	Bereavement Leave	**Policy No.**	600.02
Chapter:	600.00 Leaves of Absence	**Effective Date:**	10/01/2016

STATEMENT OF PURPOSE:

The purpose of this policy is to provide regular full-time employees with time off from work for the purpose of attending funerals, making arrangements or otherwise attending the affairs of the deceased immediate family member.

DEFINITION:

For the purpose of authorizing Bereavement Leave "Immediate family" is defined as a guardian, or a spouse, child, parent, brother, sister, grandparent, or grandchild of an employee, by blood or marriage.

PROCEDURES:

A. An employee is provided a maximum of five (5) work days paid leave, per occurrence, for a death in the immediate family. The employee may be required to provide proof of death, funeral, and/or family relationship in support of bereavement leave.

B. An employee will be provided eight (8) hours paid leave per fiscal year for a death or to attend a funeral of a non-immediate family member.

C. Employees who wish to take bereavement leave must notify their supervisor immediately and request the leave through the Department Director by submitting a "Leave Request" form.

D. Bereavement leave is paid at the employee's base rate at the time of absence and will be paid according to the actual hours they would have worked. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

E. Employees may take additional time off as vacation and/or compensatory time; or, if no vacation or compensatory time is available, an authorized Administrative Leave Without Pay, upon approval of the Department Director and the City Manager, may be granted.

Policy:	Court/Jury Leave	**Policy No.**	600.03
Chapter:	600.00 Leaves of Absence	**Effective Date:**	10/12/2015

STATEMENT OF PURPOSE:

The purpose of this policy is to provide employees with the opportunity to participate in our judicial system. Any employee called to jury duty or subpoenaed as a witness by a court or administrative agency (except in cases where the action was initiated by the employee or is outside of their official duties as a City employee) will be granted Court/Jury Leave for the period of time necessary for such service.

PROCEDURES:

A. OBTAINING COURT/JURY LEAVE

1. An employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., to the Department Director immediately upon receipt so that arrangements can be made to accommodate their absence.

B. COMPENSABILITY OF COURT/JURY LEAVE

1. Court/jury leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.
2. Any payment for jury duty received by the employee may be retained by the employee.
3. An employee who is requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding; court appearances for testimony, investigation, and court preparation as a result of official duties as a City of Mission employee (e.g. Police, Fire Inspections, Animal Control, etc.) will be paid his regular wages or salary for the period of such service and be compensated as actual hours worked.
4. An employee who is subpoenaed as a witness concerning matters not within the course and scope of City employment will be granted court leave without pay. An employee may request to use accrued vacation and/or compensatory leave by submitting a "Leave Request" form to the Department Director.
5. An official holiday falling within a period of court leave will be granted to the employee at a later date.
6. If the court excuses an employee on court/jury leave before the end of his/her normal workday, he/she shall report back to his/her place of employment.

Policy: Family and Medical Leave (FMLA)	**Policy No.** 600.04
Chapter: 600.00 Leaves of Absence	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The City of Mission provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to twelve (12) weeks of unpaid leave for specified family and medical reasons or 26 weeks provided in certain circumstances.

DEFINITIONS:

A "*serious health condition*" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with in-patient (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such in-patient care or continuing treatment by a health care provider, which includes any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities). Employees should consult with Human Resources for family and medical leave qualifying events.

"*Child*" A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available at the Human Resources Department.

"Parent" A biological parent or an individual who stands or stood in the place of a parent to an employee *when the employee was a child. This term does not include parents-in-law.*

"Spouse" A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

A "*Health care provider*" who may provide certification of a serious health condition includes:

1. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices;

2. Podiatrist, dentists, clinical psychologists, optometrists, and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice and perform within the scope of their practices under state law;

3. Nurse practitioners, nurse mid-wives, and clinical social workers authorized to practice and perform within the scope of their practice, as defined under state law;

4. Christian Science practitioners listed with the First Church of Christ, Scientist;

5. Any health care provider recognized by the employer or the employer's group health plan benefits director;

6. A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.

"*Intermittent/Reduced Schedule Leave*" means taking leave in blocks of time or by reducing the employee's weekly or daily work schedule.

1. If FMLA leave is for birth and care or placement for adoption or foster care, use of intermittent/reduced schedule leave is subject to the employer's approval.
2. FMLA leave may be taken intermittently/reduced schedule whenever medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work.
3. Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider.
4. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

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

PROCEDURES:

A. ELIGIBILITY REQUIREMENTS

Employees are covered under the law if they:

- have been employed for at least twelve (12) months, and
- have worked for at least 1,250 hours of service during the 12 month period before the leave request.

B. BASIC LEAVE ENTITLEMENT

1. Birth and care of a newborn child of the employee's spouse,
2. Placement with the employee of a child for adoption or foster care, (entitlement to family and medical leave expires twelve months after birth or placement),
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition, or
4. To take medical leave when the employee is unable to perform the essential functions of his/her position because of his or her own serious health condition.
5. Due to a call to active military duty and or because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

   Leave may be used for any "qualifying exigency" arising out of the servicemember's current tour of active military duty or because the servicemember is notified of an impending call to military duty in support of a contingency operation.

6. Spouses employed by the same employer are jointly entitled to a combined total of 12 work weeks of family leave for the birth and care of a newborn child; or for placement of a child for adoption or foster care. Leave for birth and care or placement of

adoption or foster care must conclude within twelve (12) months of the birth or placement. In addition, spouses or siblings (brother, sister) employed by the same employer are jointly entitled to a combined total of twelve (12) work weeks of family leave to care for an immediate family member who has a serious health condition.

C. MILITARY FAMILY LEAVE ENTITLEMENT

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. A caregiver needing leave to provide care for an injured servicemember is eligible for extended Family and Medical leave. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active military duty that may render the person unable to perform the duties of the member's office, grade, rank or rating. The leave described in this paragraph shall only be available during a single 12-month period.

D. ELIGIBILITY PERIOD

Eligible employees can take up to twelve (12) weeks of unpaid leave in the 12-month period from January 1 through December 31 (calendar year).

E. CONTINUATION OF BENEFITS

An employee's group health coverage while on family and medical leave will be at the same level and under the same conditions that existed while the employee was working. When applicable it is the employee's obligation to make payments for continuation of existing family or dependent medical coverage. If an employee's premium payment is more than thirty (30) days late, the employer's COBRA obligation would then begin. If the employee fails to return for reasons other than a serious health condition or circumstances beyond the employee's control, the employer may recover the premium it paid for the employee's coverage during the leave. An employer may deduct the amount due from any sums owed to the employee (e.g., vacation paid or final paycheck), provided the deductions do not otherwise violate FLSA. To avoid responsibility for the employer's share of premiums, an employee must return to work for at least thirty (30) days.

F. JOB RESTORATION

Upon return from family and medical leave, not to exceed twelve (12) weeks, or twenty-six (26) weeks under certain circumstances, an employee will be restored to the employee's original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. If leave was due to employee's serious health condition, employee will be required to present a fitness-for-duty certification prior to being restored to the job. An employee's use of family and medical leave will not result in the loss of any employee benefit that the employee earned or was entitled to before using family and medical leave nor be counted against the employee. If an employee requests intermittent leave or leave on a reduced schedule, that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that:

- Has equivalent pay and benefits; and
- Better accommodates recurring periods of leave than the regular employment position of the employee.

G. NOTIFICATION AND CERTIFICATION

When leave is foreseeable, an employee must give the employer a thirty (30) day advance notice by submitting an "Employee Request for Family Medical Leave (FMLA)" form to the Human Resources Department. In addition, when foreseeable leave is planned for medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operation. When leave is not foreseeable, an employee must give notice as soon as practicable (generally one or two days). If an employee fails to satisfy the 30-day notice requirement with no reasonable excuse, the employer can postpone the leave until the notice requirement is satisfied.

The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resources Department within fifteen (15) working days. Recertification may also be required on a monthly basis. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. Upon returning to work after leave for his or her own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

H. TMRS

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

I. RECORDKEEPING

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

J. EXEMPT EMPLOYEES

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

K. SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

1. The City of Mission requires an employee to utilize/exhaust all available sick and vacation leaves before commencing unpaid family and medical leave.

2. The City of Mission offers a "Sick Leave Sharing" program. Refer to *Sick Leave Sharing* policy. Required forms for family and medical leave requests are available from the Human Resources Department.

Policy: Military Leave	**Policy No.** 600.05
Chapter: 600.00 Leaves of Absence	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

The City of Mission complies with all state and federal laws relating to employees in reserve or active U.S. military service and does not discriminate against employees who serve in the U.S. military. The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits.

PROCEDURES:

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty (Texas Military Forces). However, temporary and seasonal employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of fifteen (15) days, reemployment rights, or any other military leave benefits under this policy.

A. NOTICE OF NEED FOR LEAVE

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded in military necessity). Absent unusual circumstances, such notice must be given to the City no later than twenty-four (24) hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a "Leave of Absence Request" form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Leave of Absence Request form must be turned into the Department Director and the Human Resources Director as far in advance of the leave as possible.

B. MILITARY PAY

1. *Full Pay For Up to Fifteen (15) Days* – Employees will be paid for military absences of up to a maximum of fifteen (15) work days per calendar year. Shift employees will be transitioned to a forty (40) hour work week during military absences in accordance with applicable state law. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserves training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.
2. *Other Paid Leave* – Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave, and compensatory time) to cover their absence from work. An employee called to active military or reserve duty shall be paid the difference between their hourly wage in the military and their base hourly wage with the City, not to exceed a total of $5,000 annually.
3. *Unpaid Leave* – After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a

military absence), the employee will be placed on leave without pay for up to five (5) years.

C. BENEFITS

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

1. *Medical* – Employees wishing to continue coverage must pay the applicable premium to cover the cost of elective continuation coverage under the City's group health plan. Upon the employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

2. *Other Benefits* - Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

3. *TMRS* - Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within ninety (90) days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five (5) years or three (3) times the length of the military service to make up any TMRS contributions that were missed while on military leave.

D. RETURNING FROM LEAVE

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

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

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

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

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

Policy: Sick Leave	**Policy No.** 600.06
Chapter: 600.00 Leaves of Absence	**Effective Date:** 10/12/2015

STATEMENT OF PURPOSE:

Sick leave is a benefit provided to cover illness of the employee or covered dependents. It should be viewed as a form of insurance to be used only when needed. It is expected that the actual use of sick leave shall be less than the number of days provided per year so that the accrued sick leave balance shall be available to provide for a lengthy illness.

PROCEDURES:

A. ACCRUAL

1. Sick leave is accrued at the rate of eight (8) hours per month or twelve (12) days a year for regular full-time employees. Refer to "Leave Accrual" Chart (Appendix E).
2. Civil Service employees shall accrue sick leave in accordance with the provisions of Chapter 143 of the Texas Local Government Code.
3. An employee is not eligible to use sick leave until after completion of ninety (90) days of regular employment.
4. Sick leave shall not be used in advance of it being accrued.
5. An employee accrues sick leave during an approved paid absence. No sick leave is accrued during unpaid absences.

B. NOTIFICATION

1. To receive paid sick leave for a personal illness, an employee shall notify the supervisor or authorized representative no later than thirty (30) minutes before the time set for the beginning of the workday. Advance notice of three (3) days is required when an employee has prior knowledge of a doctor's appointment, lab work, physical therapy, etc. In departments where shifts are involved, the Department Director may document and require alternate reporting procedures for those working shifts. It is the employee's responsibility to contact the supervisor for any absence due to illness. Exceptions would be hospitalization, or a prolonged or catastrophic illness in which the supervisor may establish the frequency of contact by the employee.
2. Failure to appropriately notify the supervisor may result in disciplinary action.
3. Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and their time charged to sick leave. The employee must notify the supervisor immediately. A physician's statement may be required in such instances.

C. CONDITIONS

1. Sick leave may be accumulated.
2. Sick leave may be used in minimum increments of one hour. Official holidays and regular days off shall not count against sick leave.
3. Sick leave may be allowed in cases of personal illness, doctor's visit, physical incapacity of the employee, to attend to a spouse or minor child who is ill or incapacitated, or to

attend a bona fide counseling session by a qualified counselor. In the case of critical or terminal illness or emergency medical situations, sick leave may also be used for mother, father, adult child, brother or sister.

4. Department Directors may require documentation from a licensed physician of illness or of the need for attending to a family member and may not allow any sick leave in the absence of such documentation.
5. After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used. During the month of September, vacation hours eligible during the current fiscal year may be used in place of sick leave if the employee is on family and medical leave.
6. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued until returning to work. An approved Administrative Leave Without Pay must be obtained. Refer to *Administrative Leave Without Pay* policy.
7. The Department Director has the discretion to request an employee provide a statement from a licensed physician when an employee utilizes any amount of sick leave.
8. Accrued sick leave may be used to supplement the workers' compensation plan to meet, but not exceed an employee's base pay.

D. COMPENSATION FOR SICK LEAVE

1. Sick Leave is paid at the employee's base rate at the time of use or payout.
2. Paid sick leave is not considered hours worked for purposes of performing overtime calculations. Refer to *Overtime/Compensatory Time* policy.
3. To ensure proper payment of sick leave pay, employees must have an approved "Leave Request" form on file.
4. Upon separation from employment (resignation, dismissal, retirement or death) an employee shall be paid for sick leave as per the following provisions:
   a. An employee must have completed a minimum of fifteen (15) years of service with the City.
   b. An employee with fifteen (15) through twenty-four (24) years of service with the City shall be paid for half of their accumulated sick leave, not to exceed a total of seven hundred twenty (720) hours.
   c. An employee with twenty-five (25) through twenty-nine (29) years of service with the City shall be paid their entire accrued sick leave not to exceed seven hundred twenty (720) hours.
   d. An employee with a minimum of thirty (30) years of service with the City shall be paid their entire accrued sick leave.
   e. Civil Service employees shall be paid their accrued sick leave in accordance with the provisions of Chapter 143 of the Texas Local Government Code.
   f. Refer to "Leave Disbursement" Chart (Appendix F).

E. OTHER ACTIVITIES DURING SICK LEAVE

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment, participate in volunteer work, or take a vacation during the period of leave.

Policy:	Sick Leave Sharing	**Policy No.** 600.07
Chapter:	600.00 Leaves of Absence	**Effective Date:** 10/12/2015

STATEMENT OF PURPOSE:

To provide for the alleviation of the hardship caused to an employee and the employee's family if an illness or injury forces the employee to exhaust all leave time (sick leave, vacation, and/or compensatory time) earned by that employee and to avoid loses of compensation, by establishing sick leave sharing for eligible employees.

DEFINITIONS:

As used herein, the following words or phrases shall have the meaning indicated:

1. *"Illness or injury"* – an illness or injury which renders the employee incapable of performing essential job functions, with or without reasonable accommodation, which is not covered by workers' compensation laws, as well as an illness or injury to an immediate family member.
2. *"Eligible employee"* – a regular full-time employee that has completed ninety (90) days of regular employment.
3. *"Immediate family"* – a spouse, parent, guardian, grandparent, grandchild, child, brother or sister of an employee.
4. *"Sick Leave Sharing Administrator"* – the Human Resources Director of the City.
5. *"Beneficiary Employee"* – a regular full-time employee who will receive the donated leave hours and who is currently on Family and Medical Leave per Certification of Serious Health Condition completed by a physician.

PROCEDURES:

A. An employee is eligible to utilize Sick Leave Sharing if they have exhausted all of their accrued leave time. To utilize Sick Leave Sharing, an employee must submit a "Sick Leave Sharing Request" to the SLS Administrator. Beneficiary employees may not utilize more than **twelve (12) pay periods or one hundred and twenty (120) workdays** of Sick Leave Sharing annually. The use of Sick Leave Sharing will run concurrently with the Family Medical Leave Act (FMLA), as per the situation requires.

B. To become a Sick Leave Sharing donor, an eligible employee may voluntarily transfer accrued leave to a specific beneficiary employee to receive the transferred leave hours by completing and submitting the "Sick Leave Sharing Donation" form to the SLS Administrator.

C. Eligible employees may participate in Sick Leave Sharing at any time provided that they comply with the procedures stated herein.

D. An eligible employee may contribute to Sick Leave Sharing one or more hours or days of their accrued leave, to include sick leave, vacation, or comp time. The SLS Administrator shall credit the beneficiary employee the number of hours/days transferred by an eligible employee after deducting the hours/days from the contributing employee's accrued leave. The donated hours will remain in the donors leave balance until they are used by the beneficiary employee.

E. When deemed necessary, the City manager may authorize an extension of the twelve (12) pay periods, but during that extended time, the employee will consent to reimburse the City half the cost of their monthly health insurance premium.

F. Any hours of leave donated to a beneficiary employee that have not been utilized by the beneficiary employee will be excluded from the total number of accrued sick leave hours of the beneficiary employee applicable for payment when the beneficiary employee is separated from employment or retires, as defined in the *Sick Leave* policy.

G. Beneficiary employees utilizing Sick Leave Sharing hours do not qualify for holiday pay during their leave time.

H. Leave benefits (sick, vacation, holiday, etc.) will not accrue during the use of Sick Leave Sharing.

I. The estate of a deceased beneficiary employee is not entitled to payment from unused leave hours donated by an eligible employee.

J. The Human Resources Department shall advise new employees of the existence of Sick Leave Sharing and shall administer records concerning this program in accordance with applicable law and policies and procedures.

Policy:	Voting Leave	**Policy No.**	600.08
Chapter:	600.00 Leaves of Absence	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

To encourage employees to exercise the right to vote and provide paid time off as an employee benefit.

PROCEDURES:

All employees are entitled to vote at a National, State, County, Local or Special Election and shall be allowed sufficient time off, no more than one (1) hour, with pay, to exercise this right.

Policy: Temporary Paid Leave of Absence for Firefighters	**Policy No.** 600.09
Chapter: 600.00 Leaves of Absence	**Effective Date:** 2/26/2018

STATEMENT OF PURPOSE:

The purpose of this policy is to provide a firefighter a temporary paid leave of absence for an illness or injury presumed to have been related to the firefighter's line of duty. The intent is to provide temporary relief to a firefighter seeking a final determination by the Texas Department of Insurance or state or federal court regarding the firefighter's entitlement to statutory benefits.

DEFINITIONS:

A. In this policy, "line of duty" or "work related" shall mean those actions taken by a firefighter that are normally required to be performed as part of the firefighter's daily duties and responsibilities. "Governing body" shall mean the City Council of the City of Mission.

PROCEDURES:

A. When State or Federal law creates a presumption that an illness or injury is work related, and the firefighter has complied with the Texas Workers' Compensation Act; however, has been denied statutory benefits and is unable to return to work, the governing body may provide a temporary paid leave of absence.
B. Upon denial of the firefighter's workers' compensation claim for an illness or injury for which a presumption exists, the governing body may consider placing the firefighter on temporary paid leave of absence during the period for which the firefighter is unable to return to work. The governing body will consider all relevant factors, and if approved, the leave will be with full pay for a period commensurate with the nature of the presumed line of duty illness or injury, not to exceed eighteen (18) months.
C. If at the end of the eighteen (18) month period, the firefighter has not been released to return to work with or without restrictions, the firefighter, or authorized representative, may request an extension. The governing body may extend the temporary paid leave at full or reduced pay, for one additional period not to exceed twelve (12) months.
D. While on temporary paid leave, the firefighter must demonstrate that the firefighter is actively pursuing a final determination of the workers' compensation claim. The firefighter shall provide to the Risk Management Director, periodic status reports from the treating physician or treating specialists. The periodic reports must include the status and intent to return to work. These reports must be submitted with each scheduled medical appointment.
E. Approved temporary paid leave pursuant to this policy shall automatically terminate upon the earlier of the following:
    1. A final determination as to the firefighter's entitlement to statutory benefits; or
    2. The expiration of the eighteen (18) month period, and any extensions; or
    3. Release to return to duty with or without restrictions from a physician; or
    4. The firefighter's failure or refusal to comply with the terms of this policy.
F. If a firefighter's request for leave is denied, or automatically terminates pursuant to this policy, the firefighter may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave without pay.
G. Approval of leave pursuant to this policy is not an admission or final determination by the City of Mission that the presumed injury or illness was in fact related to the person's line of duty.

Policy:	Exit Interviews	**Policy No.**	700.01
Chapter:	700.00 Separation from Employment	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

To finalize all compensation due; return City uniforms and equipment; provide explanation of any continuing benefits; review employment history; discuss the reason(s) for the separation; and solicit constructive feedback to improve the City. This policy applies to all City of Mission employees who leave the City of Mission because of resignation, discharge, transfer, layoff, seasonal employment, retirement, or death. For purposes of this policy, all of these actions will be known as "SEPARATION".

PROCEDURES:

A. When the Department Director receives a separation notice from the employee, whether it is a letter of resignation or a "Voluntary Resignation Notice", the Department Director will notify the Human Resources Department and forward the written notice to the Human Resources Director.

B. The Human Resources Director will send the Department Director a "Supervisor Exit Interview" form. This form is to be completed by the employee's supervisor and Department Director and returned to the Human Resources Director.

C. The Human Resources Director will meet with the employee to complete the Employee Exit Interview and the Separation Checklist to be maintained in the employee's personnel file.

D. Exit Interviews are conducted confidentially. Information discussed during the exit interviews shall be shared with the Department Director and may be shared with the City Manager's office and acted upon as deemed appropriate by the City.

Policy: Retirement	**Policy No.** 700.02
Chapter: 700.00 Separation from Employment	**Effective Date:** 10/01/2012

STATEMENT OF PURPOSE:

An employee can retire from the City of Mission at age sixty (60) with five (5) years of service or after twenty (20) years of service at any age.

PROCEDURES:

A. TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)

The City of Mission participates in the Texas Municipal Retirement System (TMRS) which provides retirement benefits to eligible employees. To obtain TMRS information, contact the Texas Municipal Retirement System, the Payroll Division, or the Human Resources Department. Refer to *Texas Municipal Retirement System (TMRS)* policy.

B. SOCIAL SECURITY AND MEDICARE PROGRAMS

The City of Mission participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. Participation by every employee is a condition of employment.

C. HEALTH BENEFIT COVERAGE

The City shall offer employees retiring with the City of Mission the option to purchase continued health benefits coverage under conditions outlined in the specific program documents. Refer to *Insurance* policy

D. LEAVE ACCRUAL PAYOUT

For payment of unused vacation and/or unused sick leave the applicable policies in these personnel rules shall apply. Refer to *Vacation* and *Sick Leave* policies.

Policy:	Separation from Employment	**Policy No.**	700.03
Chapter:	700.00 Separation from Employment	**Effective Date:**	10/01/2012

STATEMENT OF PURPOSE:

The purpose of this policy is to identify procedures, which apply to employees separating from employment.

PROCEDURES:

A. VOLUNTARY SEPARATION

1. Resignation

   a. To resign in good standing, an employee shall submit a resignation in writing to the supervisor and/or Department Director at least ten working days before the effective date of resignation, unless the Department Director agrees to a shorter period of notice due to extenuating circumstances.

   b. The employee shall supply a “Letter of Resignation” or a “Voluntary Resignation Notice”, stating the effective date of resignation. The Department Director shall forward the letter of resignation or Voluntary Resignation Notice to the Human Resources Director.

   c. The Human Resources Director will schedule a meeting with the employee to conduct an Employee Exit Interview and Separation Checklist.

2. Retirement

   An employee who intends to retire must notify the supervisor and Department Director, in writing, at least fourteen (14) days prior to the date of retirement. The Department Director shall then forward the letter to the Human Resources Director.

B. INVOLUNTARY SEPARATION

1. Dismissal

   The City may dismiss an employee’s employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures.

2. Reduction In-Force

   a. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee’s control and which do not reflect discredit upon the service of the employee.

   b. The scope and/or financing of operations may sometimes change to such an extent, however, that it becomes necessary to remove employees from their positions for purely economic or organizational reasons.

c. In the event a reduction in force becomes necessary, employees will be retained primarily on the basis of their demonstrated job performance, skills, conduct record, and length of service with the City. The City Manager will determine the final status of an employee to be removed from a position due to a reduction in force.

d. Employees released from employment due to a reduction in force, may have recall rights for a period of six (6) months. Civil Service employees have reinstatement rights under Chapter 143 of the Local Government Code.

C. FINAL PAY

1. An employee who separates from employment will be paid for accrued vacation, sick leave, and compensatory time within the limits established by policies in this manual.
2. An employee who is involuntarily dismissed will be entitled to payment of wages/salaries and benefits earned prior to the time of dismissal, as per City policy.
3. In order to avoid possible errors with final payment to employees who separate from employment, the Payroll division will cancel direct deposit for those employees and will issue an actual paycheck for the final check.

D. EMPLOYMENT VERIFICATION

All Employment Verifications will be processed by the Human Resources Department. Refer to *Release of Employee Information* policy.

APPENDIX

Appendix "A"

CITY OF MISSION
PERSONNEL POLICY MANUAL ACKNOWLEDGEMENT FORM
NON-CIVIL SERVICE EMPLOYEE

_____	_____
Name (Print)	**Employee Number**
_____	_____
Job Title	**Department**

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

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

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

The latest edition of the City of Mission Personnel Policy Manual can be accessed on the City's website at www.missiontexas.us. Hard copies are available at the Human Resources Department and at your Department Director's office.

The City retains the right to change, modify or rescind these rules at any time with or without notice.

_____	_____
Employee Signature	**Date**

Appendix "B"

CITY OF MISSION
PERSONNEL POLICY MANUAL ACKNOWLEDGEMENT FORM
CIVIL SERVICE EMPLOYEE

_____	_____
Name (Print)	**Employee Number**
_____	_____
Job Title	**Department**

The City of Mission (the "City") Personnel Policy Manual describes important information about the City's personnel policies and procedures. I understand that I should consult my supervisor and/or the Chief regarding any questions not answered in the Personnel Policy Manual. I entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment.

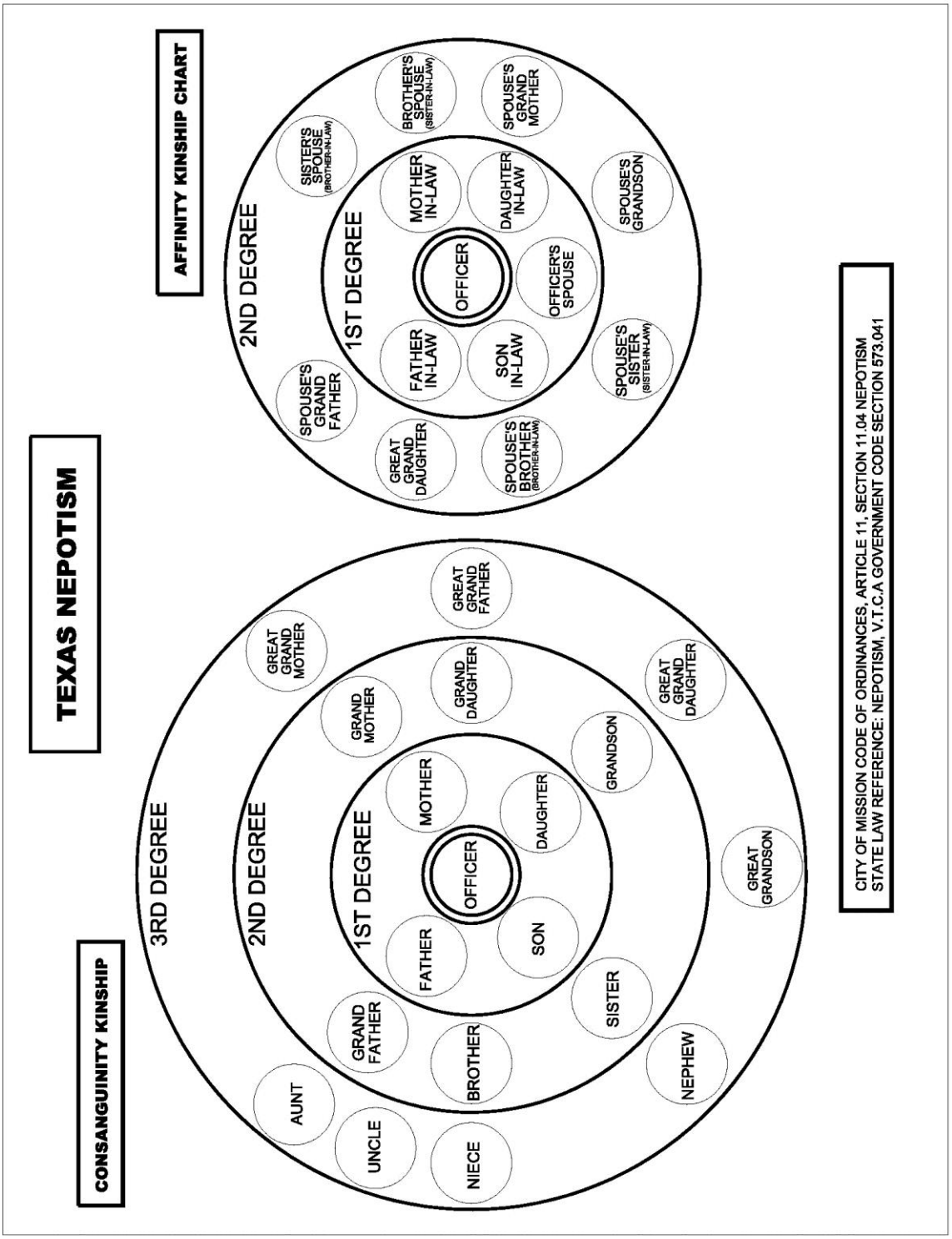
All of the information, policies, and benefits described in the Personnel Policy Manual are subject to change. I agree that any conflicts or ambiguities in City policies and procedures will be decided by the City Manager. I acknowledge that revisions to the Personnel Policy Manual may occur. I understand that revised information may supersede, modify, or eliminate existing policies. I also understand that only the City Manager has the authority to enter into an employment agreement on behalf of the City for a specific period of time. Any such agreement must be an express written employment contract signed by both the City Manager and the employee named in the agreement.

Furthermore, I acknowledge that this Personnel Policy Manual is neither a contract of employment nor a legal document. I have received the Personnel Policy Manual, and I understand it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Personnel Policy Manual supersede and replace all prior written and/or oral City personnel policies. I understand that where applicable, policies and procedures will be governed by the provisions of the Texas Local Government Code, §143. and the Local Civil Service Rules to the extent that the process differs from that contained in the Personnel Policy Manual.

The latest edition of the City of Mission Personnel Policy Manual can be accessed on the City's website at www.missiontexas.us. Hard copies are available at the Human Resources Department and at your Department Director's office.

The City retains the right to change, modify or rescind these rules at any time with or without notice.

_____	_____
Employee Signature	**Date**


TEXAS NEPOTISM
CONSANGUINITY KINSHIP
3RD DEGREE
2ND DEGREE
1ST DEGREE
OFFICER
FATHER
MOTHER
SON
DAUGHTER
BROTHER
SISTER
GRAND FATHER
GRAND MOTHER
GRAND DAUGHTER
GRANDSON
AUNT
UNCLE
NIECE
NEPHEW
GREAT GRAND MOTHER
GREAT GRAND FATHER
GREAT GRAND DAUGHTER
GREAT GRANDSON
AFFINITY KINSHIP CHART
2ND DEGREE
1ST DEGREE
OFFICER
FATHER IN-LAW
MOTHER IN-LAW
SON IN-LAW
DAUGHTER IN-LAW
OFFICER'S SPOUSE
SPOUSE'S GRAND FATHER
SISTER'S SPOUSE (BROTHER-IN-LAW)
BROTHER'S SPOUSE (SISTER-IN-LAW)
SPOUSE'S GRAND MOTHER
GREAT GRAND DAUGHTER
SPOUSE'S BROTHER (BROTHER-IN-LAW)
SPOUSE'S SISTER (SISTER-IN-LAW)
SPOUSE'S GRANDSON
CITY OF MISSION CODE OF ORDINANCES, ARTICLE 11, SECTION 11.04 NEPOTISM
STATE LAW REFERENCE: NEPOTISM, V.T.C.A GOVERNMENT CODE SECTION 573.041

Appendix "D"

DOT AND SAFETY-SENSITIVE EMPLOYEES FOR RANDOM DRUG TESTING

DOT

- All CDL (Commercial Driver's License) holders

SAFETY SENSITIVE

- All employees that drive City vehicles or drive personal vehicles on City business
- All CDL (Commercial Driver's License) holders
- Water Plant/Wastewater/Water Distribution Superintendent
- Water Plant/Wastewater/Water Distribution Assistant Superintendent
- Water Plant/Wastewater/Water Distribution Supervisor
- Water Plant/Wastewater Water Distribution Foreman
- Water Plant Operator
- Wastewater Plant Operator
- Water Distribution Operator
- Warrant Officer
- Bailiff
- Building Inspector
- Code Enforcement Officer
- Traffic Light Technician
- Electrical Technician
- Building Maintenance Technician
- Dispatcher (Police and Fire)
- Communications Supervisor
- Jailer
- Jailer Supervisor
- I.D. Technician (Evidence Technician)
- All Police Officers, including Chief and Assistant Chiefs
- All Reserve Officers
- All Fire Suppression ranks
- Fire Chief and Deputy Chiefs
- Fire Marshal and Assistant Fire Marshal
- Volunteer Firefighters
- Streets Superintendent and Assistant Superintendent
- Streets Foreman
- Streets Inspector
- Street Light Technician
- Animal Control Officer
- Environmental Health Specialist
- Parks Superintendent and Assistant Superintendent
- Parks Foreman
- Parks Supervisor
- Parks Crew Leader
- Public Works Inspector
- Meter Reader
- Golf Superintendent and Assistant Superintendent
- Golf Mechanic
- Lifeguard

"Appendix E"

Sick & Vacation Leave Accruals

Employee Group	Hours per Work Week	Sick Leave Hours		Vacation Leave Hours	
		Bi-Weekly Accrual	Annual Accrual	Bi-Weekly Accrual	Annual Accrual
Non-Civil Service					
Regular Full-time (0-5 yrs of service)	40	3.69	96	3.08	80
Regular Full-time (6+ yrs of service)	120	3.69	96	4.62	120
Civil Service					
Police Full-time	40	4.62	120	4.62	120
Fire Full-time	106*	6.93	180	6.93	180

Regular full-time employees begin to accrue vacation hours upon completion of thirty (30) days of employment.
Vacation Leave and Sick Leave are accrued 26 pay periods in the calendar year.
Maximum vacation balance allowed to accrue per fiscal year:

- 80 hours for non-civil service employees with 0 - 5 years of service
- 120 hours for police civil service employees and employees with 6+ years of service
- 180 hours for fire civil service employees, depending on assignment

A maximum of five (5) days of Vacation Leave will be allowed to roll over per fiscal year with a maximum of twenty-five (25) days. New banked hours are not eligible for payout.
*As per Section 207(k) of the FLSA

"Appendix F"

Sick & Vacation Leave Disbursement

Employee Group	Years of Service	Sick Leave Hours Maximum Payout	Vacation Leave Hours Maximum Payout
Non-Civil Service			
Regular Full-time *(hired prior to 10/01/2012)*	1 -14 years	0	250*
	15 - 24 years	½ of balance not to exceed 720	
	25 - 29 years	720	
	30+ years	100%	100%*
Regular Full-time *(hired on or after 10/01/2012)*	1 - 14 years	0 hours	120*
	15 - 24 years	½ of balance not to exceed 720	
	25 - 29 years	720	
	30+ years	100%	
Civil Service			
Police and Fire Full-time *(hired prior to 10/01/2012)*	1 - 29 years	90 days	250*
	30+ years	100%	100%*
Police and Fire Full-time *(hired on or after 10/01/2012)*	1 - 29 years	90 days	120*
	30+ years	100%	

Note: Leave Disbursement dependent on actual hours accrued at time of separation.
*New banked hours are not eligible for payout and are not included in the payout amounts listed above.

Human Resources Department
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