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**Introductory Statement**

The Personnel Manual (the “manual”) is designed to provide information about working conditions, employee benefits, and policies affecting employment. These policies apply to all employees of the City of Hutchins (the “city”) unless specified otherwise. It describes many of your responsibilities as an employee and outlines the programs developed by the city to benefit employees. It is your responsibility to review the manual and comply with the policies as well as all other rules, guidelines and regulations implemented in accordance with these policies. This manual supersedes all previous manuals, agreements, policies, and procedures, whether written or oral, expressed, or implied, relating to employment, and shall not be changed or subject to change orally. The City Administrator and City Council have approved the contents of this manual.

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 Due to changes in state and federal employment laws, portion of these policies may be superseded by such new legislation, and it is the intent of the city to monitor and follow any such legislation.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

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

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

**Objectives**

The objectives of the manual are as follows:

1. To ensure uniform understanding and application of the city’s personnel policies; and
2. To develop a program of recruitment, advancement, and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee’s best services to the citizens of the city; and
3. To promote high morale by the consistent administration of these policies; and
4. To provide a basis for information and counseling employees as well as training supervisors in personnel administration.

**Amendment of Policies**

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

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

No city supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.
Application of Policies
These policies shall apply to all city employees, but may be varied in the case of a) an employee with a written employment agreement approved by the City Council; b) an employee of the Hutchins Police Department, who must also abide by the provisions outlined in the Hutchins Police Department Standard Operation Procedures; or c) an employee of the Hutchins Fire Department, who must also abide by the provisions outlined in the Hutchins Fire and Rescue Policies and Procedures. All employees must become familiar with and abide by these policies. The city reserves the right to make final decisions as to the interpretation and intent of all information contained in the personnel manual.

The city may modify, revoke, suspend, interpret, terminate, or change any or all its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the city and its employees for any duration of employment. There is no specified length of employment, and either the city or the employee can terminate the employment relationship at any time, for any reason.

The City Administrator may delegate rights and powers granted under these policies and procedures to Human Resources or to others as deemed appropriate in the City Administrator’s sole discretion.

This manual supersedes all previous manuals, agreements, policies, and procedures, whether written or oral, expressed, or implied, relating to employment, and shall not be changed or subject to change orally.

Chapter 1: General Policy

1.01 Employment At-Will
Effective Date: 03-19-2018
Revision Date:

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

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the city and any of its employees. The provisions of this manual have been developed at the discretion of the city and, except for its policy of employment-at-will, may be amended or canceled at any time, at the city’s sole discretion.

1.02 Nondiscrimination/Anti-Harassment Policy and Complaint Procedure
Effective Date: 03-19-2018
Revision Date: 01-06-2020

The city is committed to a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the city expects that all relationships among persons in the office will be business-like and free of bias, prejudice, and harassment.
The city has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The city will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with Human Resources or their supervisor.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of the city prohibit disparate treatment based on sex or any other protected characteristic, regarding terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Equal Employment Opportunity
The city provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local laws.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

Retaliation
The city encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the city to investigate such reports promptly and thoroughly. The city prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Sexual Harassment
Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, “sexual harassment” is defined, as in the Equal Employment Opportunity Commission (EEOC) Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo, and b) hostile 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. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess, 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.
Harassment
Harassment based on any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written, or physical conduct that degrades or shows hostility or dislike toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose of unreasonably interfering with an individual’s work performance, or c) otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes labels, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; demeaning jokes; and written or graphic material that degrades or shows hostility or dislike toward an individual or group that is placed on walls or elsewhere on the employer’s premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Individuals and Conduct Covered
These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to the city (e.g., an outside vendor, consultant, or citizen).

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

Reporting an Incident of Harassment, Discrimination or Retaliation
The city encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender’s identity or position. Individuals who believe that they have been a victim of such conduct should discuss their concerns with their immediate supervisor or Human Resources (see the complaint procedure described below).

In addition, the city encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The city recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Complaint Procedure
Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor or Human Resources. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. Persons making complaints by mail or phone normally shall be interviewed and a written signed complaint prepared.

The city encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
The city will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

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

If a party to a complaint does not agree with its resolution, that party may appeal to the City Administrator.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

1.03 Americans with Disabilities Act (ADA)
Effective Date: 03-19-2018
Revision Date: 01-06-2020

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit employers with fifteen (15) or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the city to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our city policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

The city will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the city. Contact Human Resources with any questions or requests for accommodation.

1.04 Conflict of Interest
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Employees of the city will endeavor to avoid conflicts of interest and to conduct themselves according to the highest standards of public service. Nonetheless, it is expected that certain conflicts may arise in the normal course of business and personal life, and such conflicts should never deter ethical and competent individuals from providing public service to the city. The purposes of this policy are as follows:
1. To provide guidance to the employees regarding standards of ethical conduct and procedures for avoiding conflict of interest; and
2. To maintain a professional climate for efficiently conducting the business affairs of the city; and
3. To instill public confidence in the city by helping attract competent and ethical individuals as employees.

Every person that accepts appointment as an employee of the city does hereby commit to honor the ethical traditions and policies of the city as follows:

1. To conduct the duties of his/her position in a business-like manner for the best interest of the city; and
2. To avoid partisan or political actions that are inconsistent with the city’s responsibility to provide first class service equally to all members and customers; and
3. To not accept or solicit any gift, favor, or service that may tend to influence the discharge of official duties; and
4. To not accept or solicit employment or personal business activity which one could reasonably expect to require or induce him/her to disclose confidential information of the city; and
5. To not accept other employment or compensation which could reasonably be expected to impair his/her judgment in the performance of official duties; and
6. To not engage in any business ventures which could reasonably be expected to create substantial conflicts between his/her private interest and the public interest; and to not intentionally or knowingly solicit, accept or agree to accept any benefits for having exercised his/her official powers or duties in favor of another person.

**Personal Financial Interests (Substantial Interest)**

When an employee becomes aware that the city is considering a transaction related to a business entity or related to real property in which the employee has a substantial interest, the employee will disclose such interest to his/her immediate supervisor and shall not participate in recommendations, approvals or decisions related to such transactions with the business entity or regarding real property.

The term “substantial interest” is defined as a direct or indirect pecuniary benefit. Following are examples of situations that constitute conflicts of interest involving financial transactions of the city.

1. In proposed transactions with any business entity:
   a. If the employee (or family member) owns ten percent (10%) or more of the voting interest or shares of the business entity or owns more than twenty-five thousand dollars ($25,000.00) of the equity, or market value of the entity, or
   b. Funds received by the employee (or family member) from the business entity exceed ten percent (10%) of the person’s gross income during the previous year.
2. In real property, if the employee (or family member) owns more than five thousand dollars ($5,000.00) interest in the fair market value of the real property.

The matter of substantial interest shall apply to the employees of the city and to their immediate family members. Immediate family member is defined as spouse, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, child, stepchild.

**Business Gifts and Entertainment**

Employees shall not solicit, offer, accept, or agree to accept in any fashion, benefits, or gifts of value from a person or supplier of goods and services or other organizations doing business with the city.
The prohibition against gifts or favors as stated above shall not apply to an occasional non-pecuniary gift valued at less than $50.00 or an award publicly presented in recognition of public service, provided such gift or favor poses no conflict of interest and is within customary business relationships.

Responsibilities
All employees are expected to adhere to the highest standards of conduct in the business affairs of the city. If an employee has any doubt about the appropriateness of any action or business relationship, the employee should discuss the situation with his or her supervisor. An employee should report to their immediate supervisor any action or offer that appears to constitute a conflict of interest or a violation of this policy.

1.05 Nepotism
Effective Date: 03-19-2018
Revision Date: 01-06-2020

No person related within the second degree (by marriage) or within the third degree (by blood) to the Mayor, any Council member or the City Administrator will hold any office, position, or other service of the city. This includes city boards and commissions and the Economic Development Corporation (EDC) Board. In accordance with Chapter 573 of the Texas Government Code, an exception will be made if that person held his/her position for at least six (6) months prior to the election if related to the Mayor or a Council member or for at least 30 days prior to the appointment if related to the City Administrator.

No person related by third degree (by blood) or within second degree (by marriage) to any other city employee may work in the same division as that employee or within the department where there is a close working relationship that could potentially impact the organizational morale or efficient operations of the city.

<table>
<thead>
<tr>
<th>FIRST DEGREE</th>
<th>SECOND DEGREE</th>
<th>THIRD DEGREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse</td>
<td>Brother</td>
<td>Great Grandparent</td>
</tr>
<tr>
<td>Children</td>
<td>Sister</td>
<td>Uncle</td>
</tr>
<tr>
<td>Parent</td>
<td>Grandparent</td>
<td>Aunt</td>
</tr>
<tr>
<td></td>
<td>Father-in-Law</td>
<td>Nephew</td>
</tr>
<tr>
<td></td>
<td>Mother-in-Law</td>
<td>Niece</td>
</tr>
<tr>
<td></td>
<td>Brother-in-Law</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sister-in-Law</td>
<td></td>
</tr>
</tbody>
</table>

If the marriage of an employee creates a case of nepotism as stated above, the matter must be resolved by transfer or termination within a reasonable time, not to exceed six (6) months from the date of discovery. The employees involved will be allowed to make the decision as to which employee will seek a transfer or be terminated. Human Resources will resolve these matters.

1.06 Valid Driver’s License
Effective Date: 03-19-2018
Revision Date: 01-06-2020

The city requires that every employee who operates a city-owned or leased vehicle, or who drives a privately-owned vehicle while carrying out job duties for the city, must maintain a) a current valid Texas driver’s license, b) current liability insurance, and c) an acceptable driving record as determined by the city. Failure to maintain these items may result in disciplinary action, up to and including, termination.
Driving records may be checked prior to employment and periodically throughout the course of employment. These records will be forwarded to the applicable supervisor for their review and appropriate action.

Employees shall self-disclose any loss or limitation in driver’s license status and all arrests, charges, or convictions of any traffic violations received, whether such incidents arose out of work-related driving or not. Employees who fail to make such required self-disclosure at their earliest opportunity or operate a vehicle on city business prior to making such required self-disclosure, shall be subject to disciplinary action, up to and including, termination of employment. For the purposes of this section, “earliest opportunity” means on the first business day following the incident.

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

1.07 Outside Employment
Effective Date: 03-19-2018
Revision Date: 01-06-2020

All city employees are prohibited from engaging in other employment, which would interfere with the performance of their city duties and are prohibited from engaging in other employment which would represent a conflict of interest.

All Police personnel are subject to policy 4.6 Off-Duty Employment as outlined in the Hutchins Police Department Standard Operating Procedures.

1.08 Personnel Records
Effective Date: 01-06-2020
Revision Date:

Restrictions & Confidentiality of File
Human Resources will maintain personal work history records of each active employee. Records will also be maintained on inactive employees for not less than the period required by law. An employee’s records are available for inspection in Human Resources by the employee, any individual authorized by the employee, his/her immediate supervisor, Department Director, or designee. Human Resources will not release personnel records to individuals or agencies outside the city, unless it is required by law including the Texas Public Information Act.

Personal work history records maintained within each department are subject to the same provisions as those records maintained by Human Resources. An employee always has a right to inspect all inclusions made a part of his/her personal work history records and may at any time submit personal work history information that will be included into his/her official records. Employees will be given a copy of any written record of a disciplinary or performance counseling that is added to their personnel file.

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

Personal Data Changes
It is the responsibility of each employee to notify Human Resources of any changes in personal data, such as mailing addresses, telephone numbers, emergency contact, email addresses, etc.
Chapter 2: Employment

2.01 Recruitment and Selection
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

Recruitment
The recruitment process is initiated by a Department Director or designee, by submitting the proper paperwork to Human Resources. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting. The recruitment method for vacant Director level positions may be determined by the City Administrator on a case-by-case basis.

Applications
Outside applicants seeking employment or reemployment with the city must complete and submit an official city application for the position desired. Current city employees seeking promotion or transfer with the city must meet the following criteria:

1. Be an employee of the city in good standing; and
2. Have at least six (6) months experience in your current position with satisfactory evaluations; and
3. Meet the minimum eligibility requirements of the position; and
4. Be able to perform the essential functions of the position with or without reasonable accommodation; and
5. Complete and return an application for the position to Human Resources before the closing date.

All information set forth on an application is subject to verification by the Department Director or his designee. Applications will normally be considered active until the vacancy is filled or the closing date has passed.

Re-Employment
If a former employee is eligible for re-hire, hired, and returns to work for the city within 180 days of separation, he or she will be given prior service credited upon rehire. Eligibility for benefits will remain as before unless not permitted by benefit contract.

Hiring Process
Applicants for employment shall be required to submit to an oral interview, drug and alcohol screening and a background check. Applicants may also be required to submit to a post-offer physical examination and pre-employment testing and investigation.

After deciding to hire, the hiring department must submit the appropriate paperwork to Human Resources. Offers for city employment will be communicated through Human Resources.
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 the duties for the position; or
2. The applicant is unable to perform the essential functions of the job applied for with or without reasonable accommodation; or
3. The applicant previously worked for the city and was involuntarily terminated, or resigned in lieu of termination; or
4. If employment will result in a violation of the city’s Nepotism Policy; or
5. Failure to meet minimum age requirements; or
6. False statements or material omissions on the application form or during the application process; or
7. Failing any of the city’s background and employment requirements including, but not limited to, drug/alcohol testing; or
8. The applicant commits or attempts to commit a fraudulent act at any point during the selection process; or
9. The applicant is not legally permitted to work in the United States; or
10. Any other reason deemed to be in the best interest of the city.

An employee may be terminated if it is later discovered that he or she knowingly falsified information on the application form.

Sworn Police Officers
Initial screening of applicants for Police personnel will be conducted by or according to the direction of the Police Chief. Applicants must go through an extensive screening process that may include personal interviews, polygraph, medical and psychological evaluations, drug screening and a background check. Applicants are required to meet minimum requirements for entry level positions.

Sworn Fire Personnel
Initial screening of applicants for sworn personnel shall be conducted by or according to the direction of the Fire Chief. Applicants must go through an extensive screening process that may include personal interviews, polygraph, medical and psychological evaluations, drug screening and a background check. Applicants are required to meet minimum requirements for entry level positions.

2.02 Promotions and Transfers
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Promotions and transfers will be made based on skills, abilities and demonstrated performance of city employees to provide maximum potential for employees to make city employment continuously attractive to qualified personnel and to enable the city to accomplish its goals and objectives.

1. Current city employees seeking promotion or transfer with the city must meet the following criteria:
   - Be an employee of the city in good standing; and
   - Have at least six (6) months experience in your current position with satisfactory evaluations; and
   - Meet the minimum eligibility requirements of the position; and
   - Be able to perform the essential functions of the position with or without reasonable accommodation; and
• Complete and return an application for the position to Human Resources before the closing date.

2. Promotions and transfers shall be made upon the recommendation of the Department Director with the approval of the City Administrator.

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

4. **A promotion or transfer will not be deemed complete until a probation period of six (6) months has been successfully completed.**

5. An employee who does not successfully complete the probation period for the promotion or transfer is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will normally be terminated from the city’s employment.

6. **Police and Fire Personnel have a probation period of one (1) year.**

**2.03 Attendance and Work Hours**

**Effective Date:** 03-19-2018  
**Revision Date:** 01-06-2020

1. Regular and prompt attendance at work is required of all employees of the city. Employees are required to be at their workplaces in accordance with the work schedules established for their division or facility unless officially excused by the responsible supervisor.

2. Supervisors, through the normal chain of command, shall ensure that absences from duty and the reasons for the absences are recorded on time reports or other documents as needed.

3. The hours during which offices, facilities, and divisions are open for business are determined by the City Administrator. Administration office hours are Monday through Friday from 8:00 a.m. to 5:00 p.m. Dispatchers and Police Officers will be required to work a twelve (12) hour shift based on shift assignments. Sworn Police staff members assigned to Administration and Criminal Investigations will work eight (8) hour shift assignments. Civilian administration staff will follow the city’s administration office hours. Firefighters will be required to work a twenty-four (24) hour shift based on shift assignments.

**Adjustment to Work Hours**

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

**Flextime**

Flextime is a work schedule with time of arrival and departure that differs from the standard operating hours. Supervisors approve flextime on a case-by-case basis. Full-time employees who have completed at least six (6) months of employment with the city are eligible for flextime. The employee must first discuss possible flextime arrangements with his/her supervisor and then submit a request. The supervisor will approve or deny the flextime request based on staffing needs, the employee’s job duties, the employee’s work record and the employee’s ability to return to a standard work schedule temporarily or permanently when needed.

A flextime arrangement may be suspended or cancelled at any time. Nonexempt employees may be asked to work overtime regardless of a flextime schedule.
Notification of Absence
To maintain a safe and productive work environment, the city expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the city and on co-workers. You should report for work on time and as scheduled. **If you cannot come to work or you will be late for any reason, you must notify your supervisor immediately, or no later than fifteen (15) minutes prior to your scheduled start time or in accordance with the procedures adopted by their department.** In the event your supervisor cannot be reached, you must notify the Human Resources Manager.

Job Abandonment
Failure to report to work for three (3) continuous days without notifying the employee’s supervisor will constitute job abandonment. This may result in the employee’s immediate termination.

2.04 Breaks
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Meal Breaks
Full-time employees (excluding most Police and Fire Department employees) are provided a one-hour unpaid meal break near the middle of the workday. Meal breaks may be staggered by the Department Director to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal break. Employees will be relieved from work responsibilities during meal breaks. Employees may not extend meal breaks beyond their assigned time. Employees may not add rest breaks to the beginning or end of their meal breaks.

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

Lactation Breaks
Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one (1) year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by their supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

2.05 Probation Period
Effective Date: 03-19-2018
Revision Date: 01-06-2020

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an initial performance probation period of six (6) months. Police and Fire personnel have a probation period of twelve (12) months.
Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position, must satisfactorily complete a performance probation period of six (6) months. The probation period assists the city in maintaining an effective, productive, and efficient workforce to provide quality services to our citizens. Only those employees who meet acceptable performance and other standards during their probation period will be retained as employees.

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

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

**Change in Assignment of Employee Serving in the Initial Probation Period**
Employees serving in the probation period may not request or make application for reassignment, promotion, or voluntary transfer during the probation period without written approval from the City Administrator or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee must complete another six (6) month probation period in the new position beginning with the date of the position change.

**Absences During Probation Period**
During the probation period and with Department Director approval, an employee is eligible to use sick and/or vacation time in accordance with the city’s leave policy. Transferred or promoted employees serving in the probation period retain eligibility for all types of leave established by city policy.

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

**Successful Completion of the Probation Period**
Employees have no guarantee of employment either during or after their probation period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the probation period will be retained as regular employees. An employee is granted “regular” status in the new position if the employee satisfactorily completes the performance probation period.

The annual budget process will determine any merit, cost of living, and/or step increases to be provided to employees who successfully complete their probation.
**Failure of Probation Period**
An employee is considered to have failed the probation period when it is determined that the employee’s fitness, job performance, quality of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of the probation period may occur at any time within the probation period. An employee who does not successfully complete the probation period will normally be terminated from the city’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the city.

A transferred or promoted employee who fails the probation period may, at the sole discretion of the city, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director. Department Directors are responsible for ensuring the timely written documentation of all cases of failure of the probation period, including documentation of counseling, training, and other efforts to help employees during their probation period. All such documentation must be reviewed by Human Resources before an employee serving in the probation period can be terminated.

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

### 2.06 Performance Appraisal/deleted/Resolution No. R2023-1140

**Effective Date:** 03-19-2018  
**Revision Date:** 10-02-2023

The performance appraisal provides a means for discussing, planning, and reviewing the performance of each city employee.

Regular performance appraisals:
- Help employees clearly define and understand their responsibilities.
- Provide criteria by which employees’ performance will be evaluated.
- Suggest ways in which employees can improve performance.
- Help supervisors plan, distribute, and achieve departmental goals.

All full and part-time employees are eligible for a performance appraisal. **Supervisors are required to evaluate their eligible employees’ performance on an annual basis.**

An initial performance appraisal will be conducted six (6) months after a non-sworn employee is hired. Police and Fire personnel will have their first performance appraisal conducted after one (1) year.

A performance review does not always result in an automatic salary increase. Salary increases and adjustments must be approved by the City Administrator.
2.07 Employment Categories
Effective Date: 03-19-2018
Revision Date: 01-06-2020

It is the intent of the city to clarify the definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period. The right to terminate the employment relationship is at-will at any time and is retained by both the employee and the city.

a. **Regular full-time employees** are not in a temporary status and are regularly scheduled to work the company's full-time schedule. Generally, they are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefit program.

b. **Regular part-time employees** are not in a temporary status and are regularly scheduled to work less than the full-time schedule each week. Regular part-time employees are eligible for some of the benefits offered by the company, subject to the terms, conditions, and limitations of each benefit program.

c. **Temporary/Seasonal full-time employees** are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and are temporarily scheduled to work the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary/Seasonal full-time employees are not eligible for benefits offered by the city.

d. **Temporary/Seasonal part-time employees** are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and are temporarily scheduled to work less than the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary/Seasonal part-time employees are not eligible for benefits offered by the city.

**Determination of Exempt/Nonexempt Status**

a. **Nonexempt employees** are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are *not* exempt from the law's requirements concerning minimum wage and overtime.

b. **Exempt employees** are generally executives, managers, professional and/or administrative staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

Requests to review the status of a position must be submitted in writing to Human Resources. Human Resources may also conduct audits when deemed necessary to review the status of positions.
2.08 Separation of Employment
Effective Date: 03-19-2018
Revision Date: 08-07-2023

Separation Types

a. **Resignation.** An employee who intends to resign is requested to notify the supervisor and/or Human Resources in writing at least two (2) weeks prior to the last day of work. **Employees who fail to give a two-week notice are typically not eligible for rehire.** The supervisor is responsible for immediately notifying Human Resources. In the event a resignation is tendered after or in lieu of a disciplinary action, or while under investigation, the employee will forfeit any opportunity to appeal the disciplinary action.

b. **Retirement.** An employee who intends to retire is requested to notify the Department Director, supervisor, and Human Resources in writing at least one month prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service date.

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

d. **Job Abandonment.** If an employee fails to properly notify the city of an absence from work, or if an employee is absent without authorization and/or notification for three (3) or more consecutive days, the city will normally consider the employee to have abandoned employment, and the employee will be terminated.

e. **Long-Term Absence.** Leave of absence beyond twelve (12) weeks may be granted if it is a reasonable accommodation justified by medical necessity. This policy will be administered consistently with the city’s obligations under the Americans with Disabilities Act.

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

g. **Reductions-in-Force/Reorganization.** An employee may be separated from city service when it is deemed necessary by reason of shortage of funds or work, the 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.

h. **Death.** If a city employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.
Separation Pay
Employees who leave the service of the city shall receive all pay which may be due to them in accordance as follows:

1. An employee will be paid for any hours worked and for any overtime or compensatory time due him or her.
2. Only employees who have completed their first year of employment shall be paid for unused vacation time earned up to 140 hours.
3. Any indebtedness to the city which the employee might have incurred shall be deducted from the final pay authorization.
4. The city does NOT pay for accumulated sick time upon separation, termination, or retirement from the city.

2.09 Retirement
Effective Date: 01-06-2020
Revision Date:

The city participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. Currently, employees covered under TMRS are required to contribute 7% of the employee’s pay to be deposited into the member’s account. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

2.10 Training
Effective Date: 03-19-2018
Revision Date: 01-06-2020

To meet individual and organizational needs, it is the policy of the city to provide training and development opportunities to encourage high quality performance, to prepare employees for new or increased responsibilities, and to extend opportunities for individual growth, promotion, development, and self-fulfillment. Human Resources will assist in developing and conducting training to meet specific needs, as well as identify resource persons and/or programs with the intention of increasing employee efficiency and effectiveness. Objectives of the training program are as follows:

1. City sponsored and/or required training shall be arranged during regularly scheduled work hours, if possible. Such training shall be recorded as time worked.
2. Cost for attending the training session(s) must be approved by the department head prior to registering.
3. A training program requiring out-of-state travel must have approval from the City Administrator or designated representative prior to registration.
4. Supervisors should notify Human Resources regarding employees who attend and complete training sessions so the information can be noted in their personnel file.
2.11 Remote Work/Work from Home
Effective Date: 10-01-2020
The City of Hutchins recognizes that in rare circumstances it is possible that employees may need to work remotely. Remote work is the concept of staff working from home or another location in a way that can provide a mutually beneficial option for both the city and its staff. The City of Hutchins’ work from home policy is to establish the guidelines and requirements to ensure remote work benefits our staff, mission, and constituents.

The ability to work remotely is not a formal, universal staff benefit. It is an alternative method of meeting the needs of the city. Remote work is not an entitlement, it is not a companywide benefit, and is not designed to accommodate other personal needs. All remote relationships are at the discretion of the city, may be terminated by the city at any time for any or no reason, and in no way changes the terms and conditions of employment with the city. The city has the right to refuse to make remote work status available to a staff member and to terminate a remote work arrangement at any time.

Eligible Jobs
Each position has different job-specific requirements, customer or stakeholder needs, collaboration, and team-based activities. These differences are key considerations when making decisions about whether a given staff member is eligible for remote work.

In evaluating whether a position is suitable for remote work, the city will consider many factors including, but not limited to:

- Whether the nature of the work to be performed remotely is operationally feasible
- Whether the position has tasks that are portable and can be performed from a remote location
- Whether the overall quantity and quality of work performed can be sustained at the remote location
- If the position is a managerial one, whether an employee in the position has the tools and resources to effectively manage direct reports remotely
- Whether collaboration required by the position is easily accomplished through teleconference or other remote technologies

Types of Remote Work Assignments
Remote work assignments are temporary. While employees and department directors have some flexibility to develop arrangements tailored to employee and departmental needs, the following basic requirements must be met:

- Employees must be able to carry out the same duties, assignments, and other work obligations at their home office as they do when working on city premises (with the exception of processing payments).
- Employees are expected to be available to their customers, supervisors, managers, and coworkers during the full work week and make their availability clear. Employees will need to ensure that they can be reached through telephone, email, or other communication tools that are being used within the employee’s department. The city expects the same level of professionalism and responsiveness from its remote employees as it would from employees working at the office.
- Employees must be available to attend scheduled meetings and participate in other required office activities at the local office as needed.
Eligibility Criteria
Candidates for temporary remote work arrangements must meet the following criteria\(^1\):

- The job category is eligible for remote work.
- The employee must be with the city for a minimum of three (3) months and must have demonstrated commitment to the city.
- The staff member must be in good standing. The employee has received positive performance evaluations, and they have no documented performance issues on file, and no performance issues have been brought to the city’s attention.
- The employee possesses good time-management and organizational skills and is self-motivated, self-reliant, and disciplined.

Request and Approvals Process
Staff members who are eligible to work remotely must submit a request, in writing, to their immediate supervisor. The decision is at the discretion of the department director with the approval of the City Administrator.

The decision to allow a staff member to work remotely is solely at the discretion of the city. Managers will periodically review this decision to ensure that the setup works for the staff member, the team, and the organization. At any point, the city can withdraw remote work permissions for business or performance concerns and require the staff member to return to the originating office.

\(^1\) In extraordinary or extreme circumstances, such as natural disaster or pandemics, the above requirements may be waived.
2.12 Recognition Policy
Effective Date: 11-21-2022
Revision Date:

The City of Hutchins values the contributions, knowledge, and experience of long-term employees. In appreciation of this dedicated service, the City of Hutchins recognizes employees as they reach milestone anniversaries of employment and retirement.

Eligibility
Full-time and part-time employees become eligible for a service award in the year in which they complete 5, 10, 15, 20, 25, 30, 35 and 40 years of service. Full-time employees become eligible for retirement recognition awards after completion of 20 years of employment without a break in service.

Recognition of Service Levels
- Employee service awards are recognized in 5-year increments, starting with 5 years of service^2^.
- Service levels are determined by the year in which the anniversary occurs, not necessarily the actual date of the anniversary.

Service Levels Awards

<table>
<thead>
<tr>
<th>Service Level</th>
<th>Service Award</th>
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<tbody>
<tr>
<td>5-Year Anniversary</td>
<td>$200</td>
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<tr>
<td>10-Year Anniversary</td>
<td>$400</td>
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<tr>
<td>15-Year Anniversary</td>
<td>$800</td>
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<tr>
<td>20-Year Anniversary</td>
<td>$1,500</td>
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<tr>
<td>25-Year Anniversary</td>
<td>$2,000</td>
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<tr>
<td>30-Year Anniversary</td>
<td>$3,000</td>
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<tr>
<td>35-Year Anniversary</td>
<td>$4,000</td>
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<tr>
<td>40+ Year Anniversary</td>
<td>$5,000</td>
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The costs for this recognition may not exceed the service award amounts listed above.

Service Award Procedures
Human Resources will coordinate with external vendors to allow employees to select from an array of gifts in recognition of their tenure or retirement.

Selection sheets, order forms and instructions will be coordinated directly between the employee and the vendor.

Employees celebrating milestone anniversaries will receive a letter of appreciation directly from the vendor and will be recognized by city council and senior management during company-wide meetings or events.

Employees retiring after 20 years of uninterrupted service will be recognized by city council and senior management during company-wide meetings or events closest to the date of retirement.

Under no circumstances shall any award given under this employee recognition program consist of a gift card, gift certificate or cash award from which payroll taxes must be withheld.

^2^ The Recognition Program is effective November 21, 2022. Existing employees will be awarded their highest service level only; they will not be awarded for past anniversaries.
Chapter 3: Leave

3.01 Holiday Leave
Effective Date: 03-19-2018
Revision Date: 11-07-2022

1. All full-time employees are eligible for paid holidays upon hire.
2. Part-time, seasonal, and temporary employees are not eligible for holiday pay.
3. All full-time employees receive 8 hours of holiday pay for each observed holiday; except for Police and Fire personnel who work shifts.
4. The following holidays are currently approved for city employees. According to the Texas Local Government Code, firefighters shall have one of the holidays below designated as the September 11th holiday.

<table>
<thead>
<tr>
<th>General Employees/Police Personnel</th>
<th>Fire Personnel</th>
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<tbody>
<tr>
<td>New Year’s Day</td>
<td>New Year’s Day</td>
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<tr>
<td>Martin Luther King Day</td>
<td>Martin Luther King Day</td>
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<tr>
<td>Good Friday</td>
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<tr>
<td>Memorial Day</td>
<td>Memorial Day</td>
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<tr>
<td>Juneteenth National Independence Day</td>
<td>September 11th</td>
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<tr>
<td>Independence Day</td>
<td>Independence Day</td>
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<tr>
<td>Labor Day</td>
<td>Labor Day</td>
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<tr>
<td>Thanksgiving Day</td>
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<td>Friday after Thanksgiving Day</td>
<td>Friday after Thanksgiving Day</td>
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<tr>
<td>Christmas Eve</td>
<td>Christmas Eve</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>Christmas Day</td>
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</tbody>
</table>

5. Designation of the holidays listed does not authorize absences should employees be scheduled to work on that day.
6. If the holiday falls on Saturday, the preceding Friday shall be observed.
7. If the holiday falls on Sunday, the following Monday shall be observed.
8. If an employee works on a recognized holiday, or is on an approved leave status, the employee will receive holiday pay plus normal wages for the hours worked on the holiday; except for Police and Fire personnel who work shifts.
9. If a recognized holiday falls on an employee’s regularly scheduled day off, the employee will not receive holiday pay for that day.
10. Holidays occurring during vacations will be charged as holiday leave, not vacation time.
11. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled city holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.
12. Employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.
13. Holiday hours are not counted towards “hours worked” for overtime or FMLA eligibility purposes.
14. Holidays may not be carried over to the next calendar year.
Fire Department Holidays
1. Shift Fire personnel will have the annual holidays loaded into a holiday bank in January and may take the holiday at any time during the year with supervisor approval. (Hours = 132)
2. Hours in the holiday bank not taken within the calendar year will be forfeited.
3. If an employee works on a recognized holiday, the employee will receive normal wages for the hours worked on the holiday.
4. If an employee leaves during the year and has taken holiday hours for a holiday(s) that has not yet occurred, those hours will be deducted from vacation leave accrual. If the vacation leave accrual does not cover the holiday(s) taken, the amount will be deducted from the employee’s final paycheck.
5. Fire personnel not on shift must use holidays on the actual holiday.

Police Department Holidays
1. Shift Police personnel will have the annual holidays loaded into a holiday bank in January and may take the holiday at any time during the year with supervisor approval. (Hours = 88)
2. Hours in the holiday bank not taken within the calendar year will be forfeited.
3. If an employee works on a recognized holiday, the employee will receive normal wages for the hours worked on the holiday.
4. If an employee leaves during the year and has taken holiday hours for a holiday(s) that has not yet occurred, those hours will be deducted from vacation leave accrual. If the vacation leave accrual does not cover the holiday(s) taken, the amount will be deducted from the employee’s final paycheck.
5. Police personnel not on shift must use holidays on the actual holiday.

3 Effective 10-01-2020, Shift Fire personnel will have 48 hours loaded into their holiday bank for the year’s remaining holidays (not including floating holiday). Beginning January 2021, Shift Fire personnel will have 132 hours loaded into their holiday bank.
4 Effective 10-01-2020, Shift Police personnel will have 32 hours loaded into their holiday bank for the year’s remaining holidays (not including floating holiday). Beginning January 2021, Shift Police personnel will have 88 hours loaded into their holiday bank.
3.02 Vacation Leave
Effective Date: 03-19-2018
Revision Date: 12-05-2022

1. All full-time employees begin accruing paid vacation leave at hire date. Employees who are in their probation period may take vacation leave after three (3) months of service, if needed.
   a. Part-time, seasonal, and temporary employees shall not earn vacation time.
   b. All Fire personnel who work a 40-hour work week shall accrue time as any other general employee.
   c. Full-time executive staff shall accrue vacation at the highest accrual rate available, regardless of tenure.

<table>
<thead>
<tr>
<th>General Employees / Police</th>
<th>Days Per Year</th>
<th>Hours per Pay Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1 year</td>
<td>10 days</td>
<td>3.08 hours</td>
</tr>
<tr>
<td>1-5 years</td>
<td>12 days</td>
<td>3.70 hours</td>
</tr>
<tr>
<td>5-10 years</td>
<td>15 days</td>
<td>4.62 hours</td>
</tr>
<tr>
<td>&gt;10 years</td>
<td>20 days</td>
<td>6.15 hours</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fire Personnel - Shift</th>
<th>Days Per Year</th>
<th>Hours per Pay Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1 year</td>
<td>3 days</td>
<td>2.77 hours</td>
</tr>
<tr>
<td>1-5 years</td>
<td>6 days</td>
<td>5.54 hours</td>
</tr>
<tr>
<td>5-10 years</td>
<td>9 days</td>
<td>8.31 hours</td>
</tr>
<tr>
<td>&gt;10 years</td>
<td>12 days</td>
<td>11.08 hours</td>
</tr>
</tbody>
</table>

2. Employees may carry forward a maximum of 140 hours of vacation time from one calendar year to another unless otherwise approved by the City Administrator. On January 1st of each year vacation time exceeding 140 hours will be deleted from the employee’s leave balance.

3. Employees who resign or who are dismissed prior to completing their probation period shall forfeit all accumulated leave.

4. Department Directors shall schedule employees’ vacations giving due consideration to the wishes of the employee and balancing the need for responsible and efficient operation of the city. Department Directors must be certain that vacations do not interfere with the normal functions and activities of departmental operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may occur.

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

6. Official holidays occurring during an employee’s vacation leave shall not be charged against their vacation leave.

7. An employee with a break in service of less than 180 days will be considered to have had continuous service with the city and will accrue vacation leave accordingly. A service break of more than 180 days cancels all previous service credit toward vacation accrual or any other leave accruals.

8. Fire Department Personnel must be scheduled at least 24 hours off whenever a given shift works ten shifts in a 28-day cycle (Kelly Day).
3.03 Sick Leave
Effective Date: 03-19-2018
Revision Date 10-01-2020

Employees who are unable to report to work due to illness or injury must notify their immediate supervisor before the start of the workday or as may be prescribed by departmental policy. A physician’s statement is required if the absence is continuous for more than three (3) days for employees, with the exception of Fire personnel who work 24-hour shifts. Fire personnel who work 24-hour shifts are required to present a physician’s statement after missing two (2) or more shifts.

1. All full-time employees begin accruing paid sick leave at hire date. Employees who are in their probation period may take sick leave after one (1) month of service, if needed.
2. Sick leave shall accumulate at a rate of 5.54 hours per pay period of continuous employment.
3. Part-time, seasonal, and temporary employees shall not accrue sick leave.
4. A maximum of 300 hours of sick time may be carried forward from one calendar year to the next. On January 1st of each year sick time exceeding 300 hours will be deleted from the employee’s leave balance.
5. Holidays occurring while out on sick leave will be charged as a holiday, not sick leave.
6. If an employee becomes ill while taking vacation leave, the period of illness may be charged as sick leave, and the charge against vacation leave will be reduced accordingly. A written request for this substitution must be made within three (3) days after the employee has returned to work and must be supported by a medical statement from a healthcare professional.
7. All accrued sick leave is forfeited when employment is terminated.

3.04 Bereavement Leave
Effective Date: 03-19-2018
Revision Date 01-06-2020

The city provides employees serving their initial probation period and full-time employees paid time off for funeral leave. Employees receive up to a maximum of eight (8) hours per day for not more than three workdays (24 hours) in the event of a death in their immediate family or one (1) day in the event of a death in their extended family (as defined below) for attending the funeral. Special consideration will be given to any other person whose association with the employee is similar to any of the above relationships.

1. Employees who wish to attend funerals for other than immediate or extended family must use vacation time, compensatory time, or unpaid leave.
2. Employees requiring additional time off, in excess of the number of days allowed may use vacation time, compensatory time or unpaid leave.
3. All requests for bereavement leave should be made to your immediate supervisor. Requests will be based on several factors, including department operating and staffing requirements.
4. Proof of death (death certificate, newspaper article, etc.) must be submitted to Human Resources immediately following the employee’s return to work.

Definitions

Immediate Family – An employee’s spouse, parent, child, brother, sister, grandparent, or grandchild; your spouse’s parent, child, brother, sister, grandparent, or grandchild; or your child’s spouse

Extended Family – An employee’s aunt, uncle, or cousin; your spouse’s aunt, uncle, or cousin
3.05 Jury and Witness Duty Leave  
Effective Date: 03-19-2018  
Revision Date 01-06-2020

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

In all other cases, the employee must provide documentation of the requirement for jury duty, subpoena compliance, and any other documentation with the leave request. Employees requesting jury duty leave must complete a leave request and submit it to their supervisor for approval as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for city duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off.

3.06 Administrative Leave  
Effective Date: 03-19-2018  
Revision Date

Upon approval by the City Administrator, an employee may be placed on Administrative Leave, with or without pay, for a period not to exceed two (2) weeks. Upon approval by the City Administrator, Administrative Leave may be extended with a review every two (2) weeks.

3.07 Inclement Weather Emergency Leave and Essential Personnel  
Effective Date: 03-19-2018  
Revision Date: 01-06-2020

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

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and decide to report to work if weather conditions improve. Any leave taken due to inclement weather may be charged to vacation, accrued compensatory time, or leave without pay for the period missed.

Essential personnel, as designated by the City Administrator, may be required to report to work regardless of inclement weather or other circumstances.

3.08 Leave of Absence Without Pay  
Effective Date: 01-06-2020  
Revision Date:

A Department Director can authorize an employee to take a leave of absence without pay for up to thirty (30) days for reasons that benefit both the city and the employee or in cases where an employee has an urgent need for time off (e.g., personal or family member illness or injury or catastrophic damage to residence) and does not have available leave. The employee must submit a written request for leave of absence to the Department Director or designee. It must outline the reasons for the leave and the amount
of time requested. In extenuating circumstances, the request can be made verbally. The Department Director or designee either approves or disapproves the request, explaining in writing to be in compliance with the requirements of the FMLA, as applicable.

**Any leave of absence without pay beyond thirty (30) days must be authorized by the City Administrator. The employee may seek extensions of leave, up to a maximum of 180 total days away from work.** A leave of absence without pay will not be authorized unless there is a reasonable expectation that the employee will return to employment with the city at the end of the approved leave period.

Department Directors and their designees must be mindful that the FMLA provides for up to 12 (or 26 weeks in the case of a military caregiver) of unpaid leave for circumstances covered by the Act. The availability of applicable FMLA leave must be considered when reviewing requests for leaves of absence without pay.

**Employees will not receive holiday pay, holiday accrual or accrue any vacation or sick leave while in a leave of absence without pay or unpaid FMLA leave status.** Employees will be required to plan to pay for benefit premiums when in a leave of absence without pay status. Failure to plan for payment of benefit premiums may affect the employee’s insurance status.

All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a leave of absence without pay to an employee. If the leave of absence is due to illness or injury, all sick leave must also be used prior to authorizing the leave.

Revocation of a leave of absence, if not FMLA-protected, may occur if the reason for requesting the leave was misrepresented, or if the needs of the department justify the revocation.

Failure to return to work when a leave of absence without pay expires can result in disciplinary action, up to and including, termination.

Employee requests for time off without pay (other than a request for a leave of absence without pay that is granted by a Department Director for the mutual benefit of the employee and the city) must be denied if the employee has appropriate and accrued leave or compensatory time available except in the cases of employees who are off on Military Leave in a without pay status.

If the supervisor denies the request for time off and the employee does not come to work, the employee may not be paid, and he/she can be disciplined for absence from work without approved leave.

**Reinstatement**

Employees returning from a leave of absence 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 create an undue hardship for the city to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the city’s discretion, be deferred until a position is available. **Usually, an employee who fails to return to work after an approved leave of absence will be considered to have voluntarily resigned employment with the city.***
3.09 Military Leave
Effective Date: 01-06-2020
Revision Date

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

This policy covers employees who serve in the uniformed services 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.

Employees must provide as much advance written/verbal notice to the city as possible for all military duty (unless giving advance notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the city no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a leave request form along with the official documents setting forth the purpose of the leave and, if known, its duration.

Paid and Unpaid Military Leave

Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. Armed Forces reserve training or active military duty ordered or approved by proper military authority.

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. 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.

Health Insurance Protection During Medical Leave

While an employee is on paid military leave (or any military leave of less than 31 days), the city will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee’s reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee’s return to employment following military service, the city will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred because of military service.
**Other Benefits During Military Leave**

While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The city will also continue to pay the premium for any city-provided life insurance (if applicable).

While on unpaid military leave, employees are generally ineligible for most city-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee’s return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual.

**Texas Municipal Retirement System (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 a) return to work for the city within 90 days after discharge; b) receive an honorable discharge; and c) timely complete the necessary application. To receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

**Returning from Military Leave**

A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by the Uniformed Services Employment and Reemployments Rights Act (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 before being reinstated.

**Deadline to Notify City of Intent to Return to Work**

The deadline for an employee to return to work and/or notify the city that the employee intends to return to work following military leave depends upon how long the employee’s military service lasted:

- For service < 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- For service between 31 – 180 days, employees have 14 days following their release from service to apply for reemployment.
- For service > 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for two 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.

**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 31 calendar days.
The city recognizes that employees occasionally need to take time away from work to care for important family and medical needs. This policy is based on the requirements of the FMLA and is designed to meet those needs in a manner that is beneficial to employees, their families, and the city.

**Eligibility**
1. An employee is eligible to request an FMLA leave if he/she has been an employee of the city for at least twelve (12) months and has worked at least 1,250 hours during the twelve-month period immediately preceding the leave.
2. An eligible employee may take up to 12 weeks of leave under this policy during any 12-month period. For purposes of this policy, the city recognizes a rolling 12-month period measured backward from the date an employee uses any qualified leave.
3. FMLA does not provide salary continuation when leave is exhausted.

**Leave Entitlement**
Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

1. The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care; or
2. To care for a spouse, child, or parent (but not a parent-in-law) who has a serious health condition; or
3. For a serious health condition that makes the employee unable to perform the essential functions of his/her job; or
4. For any qualifying exigency arising out of the fact that the spouse, child, or parent of an employee is a military member on covered active duty or call to covered active-duty status.

An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness, when the employee is the spouse, child, parent or next of kin of the service member. The single 12-month period for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. For purposes of FMLA, serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

For purposes of FMLA, serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care of continuing treatment by a health care provider.

**Intermittent or Reduced Scheduled Leave**
Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he/she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer’s approval. Examples of intermittent leave include leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of six (6) months, such as for chemotherapy. Employees taking intermittent leave are required to comply with their department’s call-in procedures before taking unscheduled intermittent leave, except in certain emergency cases. Reduced scheduled leave is leave based on a modified schedule that reduces the usual number of hours per work week, or hours per workday, that an employee is scheduled to work.
Only the time taken as FMLA leave may be charged against the employee’s entitlement when leave is taken intermittently or on a reduced leave schedule. Leave charges are in hours. The hours charged should be cumulative until such time as the total is equivalent to twelve (12) normal workweeks.

The city can temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position better accommodates the employee’s need for intermittent leave or a reduced schedule. The temporary transfer may occur in instances when leave for the employee or employee’s family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

**Accrued Leave and the FMLA**

**Employees who are absent due to an FMLA-covered reason must use accrued paid sick leave, vacation leave and compensatory time (in that order).** FMLA leave is used concurrently with appropriate, accrued city leave so that the employee will continue to be paid while on FMLA leave. Employees cannot take unpaid FMLA leave if they have enough accrued paid leave available to cover all, or a portion of, the time they are on FMLA leave.

Employees approved for continuous FMLA leave who have no accrued paid leave are carried in a without pay status and will not accrue leave benefits. Employees must use all appropriate, accrued paid leave before being allowed to take FMLA leave without pay.

Employees who are off work for FMLA leave may not work secondary employment, or engage in any activity, that is inconsistent with restrictions as prescribed by the FMLA certification.

**Spouses Employed by the City**

If spouses are employed by the city, and each wish to take leave, the combined total leave that the spouses can take for the birth or adoption of a child, placement of a child in foster care, or to care for a parent with a serious health condition, is limited to 12 weeks. This limitation does not apply to leave for either spouse’s own serious health condition or the serious health condition of a child.

**Health Care Benefit Continuation**

While the employee is on FMLA leave, the city will continue to provide its share of contributions toward the cost of insurance. The employee must continue to pay his/her share of premiums. If the employee is receiving pay by utilizing accrued leave during this period, the employee’s share of premiums will continue to be deducted from his/her paycheck.

Employees will be required to plan to pay for benefit premiums when on unpaid FMLA leave. If an employee’s coverage is cancelled due to non-payment of premiums, and he/she returns to work, benefits will be restored at the same level of coverage that he/she would have had if leave had not been taken and premiums had been paid. Employees will not receive holiday pay, holiday accrual or accrue vacation or sick leave while on unpaid FMLA leave status.

If the employee fails to return from FMLA leave, the city may recover the costs for maintaining the employee’s insurance coverage during the period the employee was on unpaid FMLA leave. The cost will be billed to the employee if the employee fails to return to work for a reason other than the continuation, recurrence, or onset of the employee’s own serious health condition or because of other circumstances beyond the employee’s control.
FMLA Leave Process
If possible, employees should notify their department of the need to take leave prior to FMLA leave beginning. Employees will be provided with a Notice of Eligibility and Rights and Responsibility form (federal form available from the Department of Labor). The notice shall inform the employee if their leave has been determined to be eligible for FMLA protection, as well as inform the employee of their rights and responsibilities for taking FMLA leave. For employees on intermittent or recurring leave for the same incident, this notice will be provided every six (6) months.

Human Resources will provide the employee with a Designation Notice (federal form available from the Department of Labor). This notice shall inform the employee if their leave has been designated as FMLA protected. The notification must be given within five (5) business days from the time it is determined that the employee’s absence would qualify under FMLA. If the certification or supporting information submitted by the employee is incomplete or insufficient, Human Resources must use the Designation Notice to state in writing what additional information is necessary to make the certification complete and sufficient. Failure to submit adequate certification within seven (7) calendar days may result in a denial of leave.

FMLA Leave Exhaustion
Employees who qualify for the protections of the Americans Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA), may request an extension (either paid or unpaid) of their leave of absence after FMLA leave is exhausted as a reasonable accommodation. Human Resources will review each such request on a case-by-case basis before making a determination about whether the request for accommodation is reasonable.

If an employee with a non-occupational injury has exhausted available FMLA leave and will not be able to return to work with or without reasonable accommodation, the employee may be terminated even if the employee has accrued leave available for use.

Fitness-for-Duty Certification
As a condition of restoring an employee whose FMLA leave was occasioned by the employee’s own serious health condition that made the employee unable to perform the employee’s job, the city may require an employee to obtain and present a certification from the employee’s health care provider, at the employee’s expense, that the employee is able to resume work. Additionally, the city may require that the certification specifically address the employee’s ability to perform the essential functions of the employee’s job. In order to require such a specific certification, the city will provide the employee with a list of the essential functions of the employee’s job and the city will indicate in the designation notice that the certification must address the employee’s ability to perform those essential functions. The employee then will be required to provide a certification from the employee’s health care provider that the employee can perform all the identified essential functions of his/her job.

An employee has the same obligations to participate and cooperate (including providing complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the city) in the fitness-for-duty certification process as in the initial certification process.

Intent to Comply with Law
The provisions of this policy are intended to comply with the Family and Medical Leave Act of 1993, as amended, and any terms used from the FMLA will be as defined in the Act or the U.S. Department of Labor regulations. To the extent that this policy is ambiguous or contradicts the Act or regulations, the language of the Act or regulations will prevail. The city reserves the right to amend this policy from time to time to comply with any changes to the Act or regulations.
3.12 Paid Quarantine Leave

Effective Date: 06-15-2021
Revision Date:

This policy provides that all eligible employees will receive paid leave if they are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. A communicable disease is an illness that can be contracted through contact with a human or animal, their discharges, or contaminated items carrying an infectious agent.

Applicability
This policy only applies to City of Hutchins First Responders defined as sworn police, certified fire fighters, emergency medical technicians and detention officers as further defined herein.

Definitions

Detention Officer – An individual employed by a political subdivision as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county or municipal jail.

Emergency Medical Technician – an individual who is:
   a) Certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
   b) Employed by a political subdivision.

Fire Fighter – means a paid employee of a municipal fire department or emergency services district who:
   a) Holds a position that requires substantial knowledge of firefighting.
   b) Has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
   c) Performs one or more of the functions listed below:
      • Fire suppression
      • Fire prevention
      • Fire training
      • Fire safety education
      • Fire maintenance
      • Fire communications
      • Fire medical emergency technology
      • Fire photography
      • Fire administration
      • Fire arson investigation

Peace Officer – means an individual described by Article 2.12, Code of Criminal Procedure, who is employed by a political subdivision.

Health Authority – has the meaning assigned by Section 121.021, Health and Safety Code.

Leave Entitlement
Eligible employees will receive paid leave if they are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease. The leave must be ordered by the person’s supervisor or the city’s health authority and will end when it can be determined the employee no longer poses a risk to others.

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5 This policy is based on House Bill 273 enacted by the Legislature of the State of Texas effective June 15, 2021.
**Policy Guidelines**
All employment benefits and compensation, including leave accrual, retirement benefits, and health benefit plan benefits will continue for the duration of the leave. The paid leave is intended to supplement the employee’s salary up to normal hours for a pay period. It will not be used to provide hours above normal pay period or to accumulate toward overtime.

Employees will be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation expenses.

The city will not reduce an employee’s sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

**Employer Responsibility**
If the supervisor notices or receives a report that an employee is exhibiting signs of a communicable disease, the supervisor will send the employee home if a reasonable person could conclude that a person appears to have a communicable disease and the spread of that disease is probable.

**Employee Responsibility**
Employees who have symptoms of a communicable disease should consult with their health care providers and report to work only after symptoms have subsided. The city reserves the right to require a written statement from a person’s physician indicating that the person is no longer contagious.

Employees must keep their supervisors informed on the anticipated length of absence.

**3.13 Mental Health Leave Policy**

Effective Date: 09/01/2021
Revision Date:

The City of Hutchins recognizes that mental health is just as important as maintaining physical health. Mental health leave will support staff in maintaining a healthy state of mind while at work and at home. The city supports establishing a workplace that is comfortable, healthy, safe, and supportive.

**Purpose**
The purpose of this policy is to provide guidance in following Chapter 614.015 of the Government Code regarding the use of mental health leave for authorized First Responders employed by the City of Hutchins.

**Applicability**
This policy only applies to City of Hutchins First Responders defined as sworn police, certified fire fighters, and emergency medical technicians. The Police/Fire Department management will be responsible for communicating and implementing this policy as applicable.

**Definitions**

**Emergency Medical Technician** – an individual who is:
   a) Certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
   b) Employed by a political subdivision.

**Fire Fighter** – means a paid employee of a municipal fire department or emergency services district who:
   a) Holds a position that requires substantial knowledge of firefighting.
   b) Has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
   c) Performs one or more of the functions listed below:
• Fire suppression
• Fire prevention
• Fire training
• Fire safety education
• Fire maintenance
• Fire communications
• Fire medical emergency technology
• Fire photography
• Fire administration
• Fire arson investigation

Peace Officer – means an individual described by Article 2.12, Code of Criminal Procedure, who is employed by a political subdivision.

Scope of Employment – an activity of any kind or character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employer.

Identified Traumatic Event – any traumatic event – occurring in the scope of employment – which results in an adverse effect on the mental health of a First Responder resulting in the documented need for mental health leave.

Policy Guidelines
Every day First Responders encounter stressful and potentially traumatic events such as shootings, fires, accidents, disasters, and death. These repetitive negative experiences affect not only themselves, but their families, coworkers, and those they are sworn to care for and protect.

When such a traumatic event does occur while in the scope of employment, it is important for management staff to recognize the fact that some employees may be negatively affected and need to be away from work to appropriately process the traumatic incident and perhaps seek mental health assistance from a professional. In addition, it is important to provide support from employees who need it.

All employment benefits and compensation, including leave accrual, retirement benefits, and health plan benefits will continue for the duration of the leave. The paid leave is intended to supplement the employee’s salary up to normal hours for a pay period. It will not be used to provide hours above normal pay period or to accumulate toward overtime.

The city will not reduce an employee’s sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

Employer Responsibilities
Management/supervisors should privately meet with any individual who has experienced a traumatic event while in the scope of employment. Supervisors should ensure the employee will be supported as much as possible after experiencing the event. In addition, it is important for supervisors to determine if there is a need for the employee to use mental health leave.

At times, some First Responders can find it difficult to ask for help to obtain treatment for mental health issues developed in their professions. A supervisor may determine the employee needs the advice and help from a crisis intervention professional; this should occur as quickly as possible. Any employee who requests mental health leave and/or the assistance of a crisis intervention professional after experiencing a traumatic event, should be granted the request.
Regarding the mental health leave, it is at the discretion of command staff in determining how long the initial mental health leave should be. If additional mental health leave beyond that initially granted by command staff is needed, the supervisor may require medical documentation from the individual’s medical provider to substantiate the need for such additional leave.

**Employee Responsibilities**

After experiencing a traumatic event while in the scope of employment, it is prudent for the affected employee to openly communicate his/her current mental/physical status to their supervisor. Employees should be open to any suggestions by their supervisor in using mental health leave and/or seeking assistance from a crisis intervention professional. Your communications/conversations regarding your health status will be kept confidential by your supervisors and any other need to know management staff as required by state and federal law.

**Documenting Mental Health Leave**

The maximum number of mental leave days an individual may use is ten (10) days or eighty (80) hours per identified traumatic event. For any additional leave requested beyond the ten (10) days, the employee will need to use sick leave (unless the leave is determined to be leave under worker’s compensation). If an employee is eligible for FMLA leave, the leave will be designated as such (refer to policy 3.10 Family and Medical Leave).

The additional leave requested will need to be substantiated in writing by the employee’s medical professional. In addition, the command officer may request the employee submit to a fitness for duty requirement before returning to work.

**Other Mental Health Services/Support Available**

The City of Hutchins offers a health plan that includes access to mental health care. Call the Customer Service or behavioral health number of the back of your member ID card. In addition, there are several local providers that can assist, including but not limited to, the following:

Dallas Behavioral Healthcare Hospital
800 Kirnwood Drive
DeSoto, TX 75115
972-982-0900

Mechell R Guy, LPC
402 W Wheatland Rd
Duncanville, TX 75115
972-283-6799

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6 The city reserves the right to modify, amend or terminate any of the benefit programs at its discretion and without cause or notice to employees.
Chapter 4: Compensation

4.01 Compensation
Effective Date: 03-19-2018
Revision Date:

Employees shall be compensated according to the currently adopted pay and classification plan. This information will be reviewed on a regular basis and modifications to the policy are approved by City Council as needed. The annual budget process will determine any merit, cost of living, and/or step increases to be provided to employees.

4.02 Timekeeping
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Employees are responsible for documenting their time worked each day and for submitting their timesheet to their immediate supervisor for approval. Supervisors are required to approve each employee’s timesheet and forward to Department Directors for final approval and submission to Human Resources.

4.03 Pay Periods
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

The city’s workweek begins at 12:00 a.m. on Monday and ends at midnight the following Sunday. For most employees, the pay period is made up of two, 40-hour work weeks. Most sworn Police personnel have an established work period of eighty (80) hours. Most sworn Fire personnel have an established work period of 28 days.

4.04 Pay Deductions
Effective Date: 01-06-2020
Revision Date:

Mandatory Deductions
The city is required by law to make certain deductions from employee’s compensation. These deductions include withholdings for federal income taxes, Federal Insurance Contributions Act (FICA) tax, which is comprised of Social Security and Medicare, and contributions to the TMRS Retirement Plan.

Voluntary Deductions
The city allows limited voluntary deduction programs to employees for city-sponsored benefits, such as the ICMA 457 Deferred Compensation Plan, flexible spending account (FSA), supplemental insurance and voluntary life insurance. Contact Human Resources for contribution levels and enrollment information.
Changes in Deductions
An employee may begin, change, or cancel most optional deductions, or may change the number of dependents for tax purposes by contacting Human Resources.

4.05 Overtime and Compensatory Time
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Overtime
Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation. **Generally, overtime pay for nonexempt employees is at the rate of 1½ times the employee’s regular hourly rate of pay for hours worked in excess of 40 in the city’s workweek** (except Sworn Police Personnel who work an established 80-hour work period and Fire personnel who are on an established 28-day work period under Section 207(k) of the Fair Labor Standards Act).

If a nonexempt employee takes a scheduled vacation and/or holiday and is called into work to perform a necessary task, that employee shall receive overtime pay for those hours worked.

Paid holidays, vacation, personal and sick leave hours taken by an employee are not counted in the calculation of overtime, because these hours are not actually “worked” and are therefore not considered as hours counted toward overtime under the FLSA.

Nonexempt Employees
When the city’s operating requirements or other needs cannot be met during regular working hours, nonexempt 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 nonexempt employees qualified to perform the required work. **Refusal or other failure to work mandatory overtime may result in disciplinary action, up to and including, termination of employment.** Overtime work is otherwise subject to the same attendance policies as straight time work.

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

Exempt Employees
Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.
Compensatory Time
Nonexempt employees may accrue compensatory time in lieu of being paid overtime compensation. **Compensatory time accrues at a rate of 1½ hours for every hour of overtime worked by nonexempt employees.** The determination of whether to compensate the employee in overtime pay or compensatory time is made at the discretion of the Department Head. **A maximum of 40 hours of compensatory time is allowed for accrual.**

The city can control overtime costs by allowing employees to earn compensatory time during heavy work periods and then to use the compensatory time when the workload permits it. A supervisor may require a general employee to:

- Use accrued compensatory time, when appropriate, to reduce future overtime costs.
- Use compensatory time to be off for either partial or full days.
- Use compensatory time instead of vacation leave when requesting time off.

If an employee has an annual vacation use or lose requirement and already used the required number of vacation leave hours in a year to avoid losing vacation leave, requiring the use of compensatory time rather than vacation leave is appropriate.

All employees who are reclassified from a nonexempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time.

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

4.06 On-Call
Effective Date: 03-19-2018
Revision Date: 01-06-2020

The city provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department. **Employees will receive one hour of regular pay for each day they are assigned to be on-call.**

After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department. Employees in on-call status who fail to respond, or if unable to be contacted at any time during their status, may be subject to disciplinary action, up to and including, termination.

**If an employee is called out, they shall receive a minimum of two (2) hours show-up time for work performed.** If the employee returns home and another call is received, that employee shall receive another two (2) hours show up pay, but if the employee receives an additional call while on the two hours show up period, that call will go on that same show up time allotment. **These two hours of pay is in addition to the on-call pay described in this section.**

**Employees who are assigned to on-call duty and are required to report to work for operational or emergency purposes during non-scheduled work hours shall receive a minimum of two hours of pay for that day. These two hours of pay is in addition to the on-call pay described in this section.**
Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

On-call pay is received in addition to any other compensation and is not used in calculation of the overtime rate. However, actual hours worked, including the two-hour minimum, will count as hours worked when calculating overtime.
Chapter 5: Employee Benefits

5.01 Benefits
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

The city reserves the right to modify, amend or terminate any of the benefit programs or to require or increase employee premium contributions for any benefit program at its discretion and without cause or notice to employees.

5.02 Confidentiality of Medical Information
Effective Date: 01-06-2020
Revision Date:

Medical records and sensitive information regarding an employee’s health will be kept confidential as required by law.

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

The city does not request genetic information from an applicant, employee, or health care provider. The city discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the city will be placed in the employee’s confidential medical file maintained by Human Resources.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers’ medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a coworker’s privacy or breach of confidence.
5.03 Health Insurance
Effective Date: 12-17-2018
Revision Date: 01-06-2020

The city’s health insurance plans provide employees and their dependent(s) access to health insurance benefits. All regular, full-time employees are eligible to participate in the health insurance plans. The cost of employee and dependent coverage shall be established annually as part of the benefit renewal process as the budgetary constraints of the city will allow and in accordance with all requirements.

**Eligible employees are extended health insurance the first day of the month following their first day of employment with the city.**

The city offers employees retiring from the city the option to purchase continued health benefits coverage, as outlined in Texas Local Government Code § 175.001 et seq., as amended.

For more complete information on your health plan, you should review your summary plan description or review a copy of the full health plan located in Human Resources.

5.04 Life Insurance
Effective Date: 01-06-2020
Revision Date:

Life insurance offers employees and their families’ important financial protection. The city currently provides a basic term life insurance plan in the amount of $15,000\(^1\) and offers employees the option to purchase supplemental life insurance for themselves and their dependents. All regular full-time employees are eligible to participate.

**Eligible employees are extended basic life insurance the first day of the month following their first day of employment with the city.**

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

Contact Human Resources for additional information about life insurance benefits.

\(^1\) Reduced by 35% at age 65 and 50% at age 70 based on the amount of Basic Term Life Insurance in force at age 64.
5.05 Consolidated Omnibus Budget Reconciliation Act (COBRA)
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

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

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

5.06 Deferred Compensation Plan
Effective Date: 01-06-2020
Revision Date:

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

Employees in the following employment classifications are eligible for participation in the 457 Deferred Compensation Plan:
- Full-time employees
- Part-time employees working 30 hours per week or more

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

Loans are available to all active employees, except those with an existing loan in default. Participants can request a loan for any reason. The minimum loan amount is $1,000. The maximum loan amount is $50,000 or one-half of the value of the Participant’s interest in all his or her accounts under this Plan. The maximum repayment period is five (5) years.

For additional information, please contact Mission Square or Human Resources.
5.07 Flexible Spending Account
Effective Date: 01-06-2020
Revision Date:

The Flexible Spending Account (FSA), offered through Ameriflex, is set up as a tax-advantaged account, allowing employees to benefit from tax savings by setting aside pre-tax dollars for out-of-pocket health care expenses. Participants can experience a savings of up to 40% on thousands of eligible, everyday expenses, including co-pays, dental and vision expenses, prescription drugs, and more.

An individual is eligible to participate in this Plan if a) they are an employee, and b) if he/she is working 30 or more hours per week.

An employee who first becomes eligible to participate in the Plan mid-year may elect to commence participation after the eligibility requirements have been satisfied, provided that an election form is submitted to Human Resources before the 1st day of the month following their first day of employment with the city. An employee who does not elect benefits when first eligible may not enroll until the next Open Enrollment Period, unless an event occurs that would justify a mid-year election change.

An employee will cease to be a Participant in this Plan upon the earlier of:
- the termination of this plan; or
- the date on which the employee ceases (because of retirement, termination of employment, layoff, reductions of hours, or any other reason) to be an eligible employee.

When an employee ceases to be a Participant, his/her election to participate will terminate. The Participant will not be able to receive reimbursements for medical care expenses incurred after the end of the day on which the Participant’s employment terminates.

If any balance remains in the Participant’s FSA account at the end of the Plan year, $500 shall be carried over to the subsequent Plan Year; the Participant shall forfeit all rights with respect to any balance above $500.

For additional information, please contact Ameriflex or Human Resources.

5.08 TMRS Retirement Plan
Effective Date: 01-06-2020
Revision Date: 08-16-2021

Participation in the Texas Municipal Retirement System (TMRS) provides for monthly pension benefits at retirement.

At the time of employment, all eligible employees are enrolled in the TMRS pension plan. Employees in the following classifications participate in TMRS:
- Full time employees
- Employees in positions budgeted to work 1,000 or more hours a year
Contributions to TMRS are mandatory for eligible employment classifications described above. Currently, the employee contributes 7% of their earnings each pay period. The contributions are tax deferred and made through payroll deduction.

Contribution rates and other policies of the city’s TMRS Plan are determined by the City Council and subject to change. Currently, the city matches 1.5 – 17. The vesting requirement is 5 years; employees are vested at age 60 or 20 years at any age.

5.09 Workers’ Compensation
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately, no matter how minor it may appear.

Light and Restricted Duty Assignments
To help reduce workers’ compensation and other related costs, and to assist employees who are incapacitated in their return to work, the city may, at its sole discretion, offer temporary light-duty job assignments for employees with temporary work-related restrictions due to an illness or injury. Employees who wish to return to work with temporary restrictions due to injuries or illnesses should, if desired, contact Human Resources and their supervisors about light-duty assignments.

Light-duty assignments under this policy are specially created temporary job assignments for employees injured or otherwise incapacitated. Such light-duty assignments are temporary assignments only, are not vacant or permanent positions within the city’s workforce and are not available to employees on a permanent basis under any circumstances. The availability of such light-duty assignments depends on the employee’s restrictions and the business needs of the city. The existence of this light duty policy does not in any way guarantee that light duty will be available at any given time, or for any employee who requests it.

If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light duty assignment will not be considered. In that event, the city will review the employee’s situation separately, to determine the appropriate steps to be taken, if any, under the Americans with Disabilities Act, other applicable law, and other relevant city policies.

If a light duty assignment is available, an employee will be permitted to work in a light duty assignment only after the city receives a written statement from the employee’s treating healthcare provider approving the assignment for the injured employee. In general, the city will review the status of the temporary light duty assignment with the affected employee every 30-60 days, considering the city’s business needs and the employee’s condition to determine if continuation of the assignment is appropriate. Light-duty assignments will not last more than 90 days from the original date that the employee is unable to work in his/her full capacity without authorization from Human Resources. In no case will a light-duty assignment last more than one year.

7 Effective January 1, 2022, the city will match 2:1.
If a light-duty assignment is offered by the city and approved by the employee’s physician, an employee’s refusal to accept the offer of light-duty may affect the employee’s right to workers’ compensation benefits under applicable law. However, if the employee’s injury or illness qualifies as a serious health condition for purposes of the Family and Medical Leave Act, such refusal to accept light duty will not impact the employee’s rights under the Act.

Salary Continuation Payments
Salary continuation payments are made to eligible employees authorized to be off duty as the result of an on-the-job injury. Salary continuation payments are meant to make up the difference between what an injured employee receives from Workers’ Compensation and their regular rate of pay.

Under no circumstances will an injured employee receive more pay during an absence than if they had worked their regular hours at their current rate of pay.

Employees will continue to accrue vacation and sick leave at the regular rate of pay while receiving salary continuation payments.

Worker’s Compensation leave, to the extent that it qualifies, will automatically be treated and designated as FMLA and will run concurrently with FMLA.

a. Eligibility
All regular full/part-time employees, regardless of tenor, are eligible for salary continuation. Employees are ineligible to receive salary continuation pay beyond the date of retirement, resignation, death, lay-off, or termination.

b. Duration
Employees may receive a 100% salary continuation for a maximum of twelve (12) months from the first day the employee was unable to work.

c. Start of Payments
Salary continuation payments will begin only after the city has received proper documentation from a licensed physician that an employee is unable to return to work because of an on-the-job injury. Under no circumstances will any continuation be made prior to receiving proper documentation.

d. Procedure for Receiving Salary Continuation
1. The injury, accident, or incident must be reported to the employee’s supervisor immediately.
2. Employees involved in an on-the-job injury that results in an absence from work for one (1) or more days will be placed on Workers’ Compensation leave.
3. When an employee misses less than eight (8) days of work as the result of a compensable injury, they will receive their regular pay from the city.
4. When an employee misses eight (8) days or more as the result of a compensable injury the employee will receive temporary income benefits (TIB) from Workers’ Compensation.
5. On the 15th day of absence as a result of a compensable injury, Workers’ Compensation will pay the injured employee for the first seven (7) days of absence.
6. The employee must turn over the TIB check from Workers’ Compensation to the city.
e. **Suspension of Payments**  
Salary continuation payments may be suspended or initially denied if an employee fails to comply with city policy and directions. Specific grounds for suspension or denial are:

1. If the employee is awaiting a final chargeability decision; or  
2. If the employee fails to report an injury in compliance with city policy; or  
3. If the employee suffers an injury as a result of their own negligence. This may include, but is not limited to, an injury suffered while engaging in horseplay, while intoxicated, while participating in sports or physical activities not related to job activities, while attending to personal matters, or while violating any law, general order, rule or regulation of the City, State or Federal Government; or  
4. If the employee submits a claim that is denied by the city’s Workers’ Compensation carrier; or  
5. If the employee engages in any full-time, part-time, or volunteer work while receiving salary continuation; or  
6. If the employee fails to act in a manner consistent with being off work recuperating; or  
7. If the employee fails to comply with the directions of their treating physician; or  
8. If the employee refuses to submit to an independent medical examination in accordance with the Texas Workers’ Compensation Statutes; or  
9. If the employee refuses to accept any modified duty assignment that is deemed within the employee’s capability in the opinion of the employee’s treating physician, and that is consistent with the employee’s training and/or abilities; or  
10. If the employee refuses to return to work after being released by their treating physician; or  
11. If the employee refused to cooperate with the city in ascertaining facts and information surrounding the cause, nature, and day-to-day status of the employee’s injury; or  
12. If the employee refused to keep Human Resources informed each week as to the status of the injury while receiving salary continuation; or  
13. If the employee refused a post-accident drug or alcohol test (refusal may result in disciplinary action, up to and including, termination); or  
14. If the Workers’ Compensation TIBs are stopped; or  
15. The employee is terminated for misconduct.

Any time lost from work will be charged against the employee’s sick leave, vacation leave, compensatory time or leave without pay under the following circumstances:  
- If the injury is deemed not compensable by workers’ compensation; or  
- If the city determines an employee does not qualify for salary continuation benefits; or  
- If the employee is unable to work in a modified duty capacity; or  
- Expiration of the twelve (12) month salary continuation benefit and employee is unable to work.

f. **Payment Suspension Appeal**  
Denial or suspension of payments as a result of employee violation of city policy or direction is not appealable or subject to formal complaint.
Return to Full Duty

1. An employee released to return to work by their physician must provide their Department Director and Human Resources a copy of the written release.

2. When an employee returns to work and finds they have not fully recovered to the extent necessary to perform their essential functions of the job, the employee should notify their supervisor as soon as possible. Additionally, the employee should set an appointment with their treating physician. If it is determined that the employee is unable to perform essential functions of the job, the employee may take any available paid leave or may request another modified duty assignment.

3. When a treating physician decides an employee will never be capable of returning to work in their full duty capacity, the city will accommodate such disability to the extent required under the Americans with Disabilities Act, or the employee may apply for available positions within the city.

Termination
The city reserves the right to fill any position vacated by an employee who is unable to perform the essential functions of their job, with or without reasonable accommodation, to the extent permitted by law.

5.10 Health/Medical Examinations/Fitness-for-Duty
Effective Date: 03-19-2018
Revision Date: 01-06-2020

The city 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, either with or without reasonable accommodation.

Serious Health Condition/Disability
The city recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. If these employees can perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, 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.

Medical Exams for Current Employees
Human Resources, or an employee’s Department Director (with the prior written approval from Human Resources) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary for the city to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.

Medical Exams for Applicants
Initial screening of applicants for sworn personnel shall be conducted by or according to the direction of the Fire Chief or Police Chief. Applicants must go through an extensive screening process that may include personal interviews, polygraph, medical and psychological evaluations, drug screening and a background check. Applicants are required to meet minimum requirements for entry level positions.
Chapter 6: Conduct

6.01 Employee Conduct, Work Rules, Disciplinary Action
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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.

Forms of Disciplinary Action
The following steps are intended to provide a range of disciplinary actions that may be used to fit the circumstances of the violation. The steps will not necessarily be taken in the order listed, and the city may enforce any level of disciplinary action, up to and including immediate termination of employment. Department heads may remove an employee from the worksite for up to two weeks with pay during any investigative process.

a. Initial Warning. This step is intended to inform the employee that violations of policy or other conduct are unacceptable. The immediate supervisor may deliver an initial warning to the employee, either written or verbal, without management approval. After such warning, the supervisor will forward written documentation of the circumstances and the action taken. The memorandum is to be sent through the chain of command and to Human Resources to become part of the employee’s personnel file. A copy of the memorandum will be sent to the employee.

b. Second Warning. This warning constitutes formal written notification to the employee that poor performance or violation of rules or policies has jeopardized the employee’s status and that continuation of these practices may result in further disciplinary action. The supervisor documents the questionable actions in as much detail as possible and consults with the next level of supervision and Human Resources prior to issuing the warning. The supervisor prepares a letter to the employee informing the employee of the seriousness of the situation and potential consequences. A copy of the letter is placed in the employee’s personnel file.

c. Suspension. A suspension is a short period of time off (up to two weeks) without pay to provide notice that the employee is facing a possible demotion or discharge if performance or conduct does not improve. A department head, or designee, may suspend an employee without pay when such action is deemed necessary to correct the employee’s behavior or performance. Prior to action being taken, the department head and the intervening supervisor should a) discuss with the employee his or her overall work record, disciplinary history, work performance, attendance and conduct, and b) consult with Human Resources. If the department head determines that a suspension is appropriate, the employee is notified in writing of the suspension. A copy of the letter is placed in the employee’s personnel file. Suspension without pay in excess of two calendar weeks must have the City Administrator’s approval.

d. Demotion. Consideration of demotion and the procedures related thereto shall be like those for suspension.
e. **Termination.** If a supervisor believes that termination is warranted, the supervisor may instruct the employee to leave work immediately and await instructions. The supervisor will review the circumstances and supporting documentation with his or her supervisor, or designee, and Human Resources. When a decision has been reached, the supervisor will notify the employee of the decision. A copy of the letter is placed in the employee’s personnel file.

**Review by Human Resources**

Any proposed disciplinary action more than a written reprimand must be reviewed by Human Resources prior to being given to the employee. This applies to both employees serving in the initial probation period and regular employees that have completed the initial probation period.

**Appeal Rights**

Positions that report directly to the City Administrator (except for the Police Chief and the Fire Chief) have no right of appeal for any type of disciplinary action, including termination. The Police Chief and the Fire Chief may appeal to the City Council if the City Administrator or designee recommends termination.

Employees serving the initial probation period have no right of appeal for disciplinary action taken against them.

**Prohibited Activities**

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

- Theft or inappropriate removal or use of city property or other property not belonging to the employee; or
- Falsification of timekeeping or other records, including employment application; or
- Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs; or
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating city-owned equipment; or
- Violation of city’s policy regarding sexual or other unlawful harassment; or
- Interfering with work schedules or another employee’s ability to work; or
- Misuse of city telephones, computers, mail systems, internet, etc.; or
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval; or
- Failure to report for duty without authorization for more than three (3) consecutive days; or
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident. Profanity, abusive language, or racial slurs; or
- Unauthorized disclosure of confidential information; or
• Violation of city or departmental policies, employee conduct, rules and/or procedures; or
• Coercion, intimidation, or threats against citizens, supervisors, co-workers, city officials, or others; or
• Unsatisfactory performance or conduct; or
• Inefficiency, incompetence, or neglect of duty; or
• Fighting, provoking, or instigating a fight, or threatening violence; or
• Disruptive activity in the workplace; or
• Insubordination; or
• Conduct which results in waste or damage of a coworker’s, city, or citizen-owned property; or
• Discourteous treatment of the public; or
• Possession of weapons on city time, city premises, or while on city business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle); or
• Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code of Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime; or
• Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension; or
• Outside employment that conflicts with, or potentially conflicts with, city interests; or
• Acceptance of payment of any kind for activities related to city employment; or
• Failure or refusal to follow lawful orders; or
• Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations); or
• Accepting gifts from any person or business conducting business or attempting to conduct business with the city; or
• Dishonesty, including misrepresentation during the hiring process; or
• An accumulation of minor infractions.

6.02 Employee Appeal Process
Effective Date: 03-19-2018
Revision Date: 06-20-2023

An employee may appeal a disciplinary action, including discharge, by filing a request with Human Resources within five (5) business days from the date of notification of disciplinary action taken. All appeals filed later than five (5) business days after the date the employee is formally notified of disciplinary action shall be denied and the current status of the action shall become final.

In the event the decision is eligible to be appealed, and is requested, the City Administrator or designee shall hear the appeal within five (5) business days of the request and render a written decision to the employee and Human Resources within a reasonable time from the date the appeal was heard. The decision of the City Administrator is final.

Appeals by the Police Chief, Fire Chief, or City Secretary will be heard by the City Council. The appeal must be filed with Human Resources within five (5) business days from the date of notification of disciplinary action taken. Human Resources will arrange an appeal hearing with City Council.
6.03 Employee Grievances
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Any employee, regardless of status, may submit a grievance when he or she has a complaint of inconsistent and/or unlawful treatment; interpretation and/or application of city or departmental policies, procedures, or practices; and retaliation.

The grievance process is not a substitute for an appeal of a disciplinary action. Failure to act within the allotted time detailed below may result in a forfeiture of grievance opportunities. Former employees and employees on suspension are ineligible to participate in the grievance process.

1. Employees must submit a written grievance to their Department Director within five (5) business days of the incident or becoming aware of the incident. The employee must sign this document.
2. Employees who have had their grievance addressed by their Department Director and still believe their issue to be unresolved may then submit their grievance to the City Administrator within five (5) business days of that decision.
3. The City Administrator will make a final decision regarding the grievance. This decision is final and binding. A copy of the decision will be placed in the employee’s personnel record.

Under no circumstances will an employee be retaliated against in any way for exercising his/her opportunity to file a grievance. Those found guilty of retaliating against an employee exercising this opportunity may be subject to disciplinary action, up to and including, termination of employment.

6.04 Drug and Alcohol Use Policy
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

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

The use of alcohol by a city employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. City employees may not bring alcoholic beverages on city premises, including parking lots adjacent to city work areas, and may not store or transport alcohol in a city-owned or leased vehicle.
Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia
This policy also prohibits the use, possession, distribution, and sale of drug-related paraphernalia while on city premises, while on duty, while conducting city-related business or other activities off premises, while driving a city-owned or leased vehicle, or while operating or using other city-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

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

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

Mandatory Disclosure by Employees
Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or Human Resources if there is a reasonable likelihood the medication will impair the employee’s ability to perform the essential functions of his/her job (or operation of 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.

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

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

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

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

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the city’s sole discretion. Factors considered by the city in deciding whether to grant leave include:

- the length of the employee’s employment with the city; and
- the employee’s prior work and disciplinary history; and
- the employee’s agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; and
- the reputation of the program and the likelihood of a successful outcome; and
- 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.

a. Procedure for Rehabilitation/Treatment

1. The employee is responsible for all costs associated with any rehabilitation or treatment program.
2. During time off for a city-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, and compensatory time available.
3. If the employee successfully completes the prescribed rehabilitation or treatment, the city will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the city following a city-approved leave for rehabilitation or treatment is conditioned on the following:

   a) Initial negative test for drugs and/or alcohol before returning to work; and
   b) A written release to return to work from the city-approved rehabilitation or treatment facility/program; and
   c) Periodic and timely confirmation of the employee’s on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the city-approved rehabilitation or treatment program, if applicable.

The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by Human Resources before the leave of absence will be granted.
Policy Violations
Violations of this policy will generally lead to disciplinary action, up to and including, immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Human Resources to receive assistance or referrals to appropriate resources in the community.

Testing

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

b. Testing of Employees
Employees will be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss”, when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The city may conduct random testing on employees holding safety-sensitive positions.

1. Police and Fire Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
2. For purposes of this policy, reasonable suspicion is 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 actors, 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 (e.g., the who, what, when, where of the employee’s behavior and other systems, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
3. Tests will be paid for by the city. To the extent possible, testing will normally be done during the employee’s normal work time.
4. 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.
5. A positive 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.
Chapter 7: Work Environment

7.01 Cell Phone Use in the Workplace
Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

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

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

PUBLIC INFORMATION ACT
Employees are advised that records related to calls and text messages made and received on city owned cell phones or business calls; business text messages or email communications made on personal cell phones 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. Employees using personal phones for city business are required to retain the communication for the appropriate retention period established by the city. Failure to maintain such communication may result in discipline, up to and including, termination.

7.02 Information Technology
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Employees may be assigned to use the internet, email, and the Local Area Network (LAN) as a major component of their job. This policy is intended to assist employees with Information Technology (IT) issues and establish rules for the use of technology. This policy applies to all employees, contractors and elected officials using city-owned or leased equipment.

Privacy
Internet usage, emails, and saved documents are all subject to the Open Records Act. There should be no expectation of privacy by any user of the computer and network resources of the city.

Hardware
All hardware will be purchased by IT. No employee will use his/her own hardware in conjunction with a city owned/leased computer.
**Software**
All software is property of the city. No employee will copy, share, email, or otherwise pirate software owned by the city. No person other than an employee of IT is authorized to install software to a city owned/leased computer.

**Electronic Mail**

1. The city allows for “incidental and occasional” use of city email for personal business such as leaving a message for family, etc. However, any unauthorized interruptions to the employee’s job performance may be referenced in disciplinary actions, up to and including, termination.

2. No employee will send or intentionally receive objectionable material such as pornography, racist, sexist or otherwise offensive jokes. Sending or continuous receipt of such material may result in suspension of email and other disciplinary action, up to and including, termination.

3. Sending chain letters or other SPAM is strictly prohibited.

**Internet**

a. **Internet Setup**
When it is determined that an employee has a need to access the Internet, the employee’s supervisor will submit a request to IT requesting that an employee have either complete or limited internet access.

b. **Internet Use**
   - At no time will any employee access any website displaying objectionable material such as, but not limited to, pornography or hate related propaganda (other than law enforcement officers acting in their official capacity).
   - At no time will any employee download any file without authorization from IT or their Department Director or designee.
   - No employee will use city Internet or email for the purpose of conducting business for profit or for another job.

c. **Passwords**
   - Each employee with access to email and or the internet will be asked to assign a password to their account. Passwords must be within IT specifications and will not include objectionable phrases.
   - No employee will be required to share his/her password with another employee or other person except for IT personnel.

**Virus Protection**
Virus protection has been installed on every city owned and leased personal computer. At no time will any employee deliberately shut off or inhibit virus protection. Failure to abide by this directive will result in severe disciplinary action, up to and including, termination.
An employee’s use of social media, both on and off duty, must not interfere with or conflict with the employee’s duties or job performance, reflect negatively on the city or violate any city policy. The intent of these standards is to regulate the creation and distribution of information concerning the city, its employees, and citizens through electronic media, including, but not limited to, online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the city’s reputation and ensure that an employee’s communications not only reflect positively on the employee as an individual, but also on the city.

The term “social media” encompasses: Twitter, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging, and the posting of video on YouTube and similar media.

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

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

Employee Guidelines During Work Time
Any blogging or posting of information on the Internet or other city social media sites must comply with the city’s guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other city social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the city’s electronic social media sites.
- Employees must obtain written authorization from the City Administrator or their designee to update or post on social media sites on behalf of the city and all content must be approved prior to posting. All the employee’s time spent updating or posting on city social media sites as part of the employee’s job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on city equipment or city-operated networks is considered private or confidential, even if password protected or otherwise restricted. The city reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.
- Never disclose any confidential information concerning another employee of the city in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for city documents must be processed through the Public Information Act.
• Employees must abide by all federal and state law and policies of the city regarding information sent through the city’s Internet.
• Individual supervisors do not have the authority to make exceptions to these guidelines.

**Employee Guidelines While Not on Work Time**
The city recognizes that many city employees utilize social media when not at work. The city requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

• If the employee’s social networking includes any information related to the city, the employee must make it clear to the readers that the views expressed are the employee’s alone and not reflective of the views of the city.
• Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the city’s legitimate business interests.
• Respect coworkers and the city. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the city or any of its employees.
• Do not put anything on your personal social media site that may constitute violation of the city’s Nondiscrimination/Anti-Harassment Policy.
• Do not post pictures of yourself or others on your personal social media site containing images of city uniforms or insignia, city logos, city equipment or city work sites.
• Do not post information on your personal social media site that could adversely impact the city and/or an employee of the city.
• Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

**7.04 City Property/Equipment Use**

Effective Date: 03-19-2018
Revision Date: 01-06-2020

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

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

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or need repair. The appropriate supervisor can answer questions about an employee’s responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.
Personal Use Prohibited
City property, materials, supplies, tools, equipment, or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Administrator or the Department Director.

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

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 Administrator. The amount of the allowance shall be determined by the City Administrator.

Use of City Vehicles
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. 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:

- Driver’s must have a valid State of Texas driver’s license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than city employees or others on city business may ride in a city vehicle unless otherwise approved in advance by the City Administrator or Department Director.
- No personal use of city-provided vehicles is allowed without the prior, specific approval of the City Administrator or Department Director.
- 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 (DOT) regulations must comply with the DOT regulations always.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs 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/or city administrator. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and Human Resources.
The city may, at any time, check the driving record of a city employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a city driver. Employees must cooperate in giving the city whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicles 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 or disciplinary action.

**Use of Personal Vehicles**

City employees are expected to carry liability insurance on any personal vehicle used to transact city business. The city will not assume responsibility of pursuing claims against either his or her carrier or the other driver in the event of a collision or other loss. If the city employee does not receive full compensation (e.g., an uninsured driver), a claim for the unpaid expense may be filed in Human Resources. All such claims must be accompanied by full documentation of payments and expenses.

a. **Reimbursement for Occasional Use**
   The city will pay employees for using their personal vehicles on city business at the IRS mileage rate, as amended from time to time.

b. **Maintenance and Insurance**
   The city pays for maintenance and insurance costs through the mileage payments. Consequently, the city will not pay employees for vehicle repair costs but will pay the insurance deductible when warranted. If an employee’s vehicle fails to operate while he or she is out of town on city business, the city will pay reasonable towing costs to the nearest garage. The city will not pay towing costs within the city.

c. **Volunteers**
   Persons who donate their time and services to the city are not covered by Worker’s Compensation (except for Police and Fire Department Volunteers), and the city assumes no liability for the user of their personal vehicle during any volunteer activity.

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

**7.05 Safety**

Effective Date: 03-19-2018
Revision Date: 01-06-2020

The purpose of this policy is to define health and safety practices utilized by the city to assist in providing a safe and healthy work environment for employees, citizens, customers, and visitors.

**Report of Accident**

The city will take all practical steps to eliminate or reduce an employee’s exposure to accidental injury or to conditions that would be injurious to his/her health. In the case of accidents resulting in injury, employees must immediately contact their supervisor and Human Resources.

Each Department is responsible for properly investigating any accidents involving vehicles from their department and taking responsible measures to assure that such accidents, if preventable, do no reoccur. The Department Head is responsible for reporting findings to Human Resources.
• Employees must remain at the scene of the accident until released by competent authority.
• Obtain names and addresses of the other party and any witnesses.
• Talk with no one at the scene concerning the accident except law enforcement officers.
• Refuse to sign or place your signature upon any papers or documents related to the accident, except for official police reports and ticket citations.
• Complete an Accident Report and forward to Human Resources no later than two (2) days after the date of the accident.
• Forward a copy of any accident reports, including amended reports, to Human Resources.

Safety Training
Employees and supervisors receive periodic workplace safety training through city-initiated risk/safety procedures. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Reporting Unsafe Acts
Employees shall cooperate with the city by observing reasonable safety regulations and working in a safe manner. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report, or where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

Safety Suggestions
Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, another supervisor or manager, or bring them to the attention of Human Resources. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Firearms Prohibition
No employee, other than peace officers, are permitted to carry any type of firearm or weapon on his/her person at a city worksite, in any city building, or in any city-owned or leased vehicle while conducting city business. Employees who hold a license to carry a handgun or who may otherwise lawfully possess a firearm may transport or store them in a locked, privately-owned motor vehicle in a parking lot, garage, or other parking area provided by the city. Employees are responsible for the firearm(s) stored in their vehicle while at work and may be subject to personal civil liability for any resulting damages.

7.06 Travel
Effective Date: 03-19-2018
Revision Date: 01-06-2020

The purpose of this policy is to establish rules for all travel and training arrangements and the timely reporting and requesting of reimbursements of the related expense in the courts of conducting city business.

No policy can specifically address every scenario that can occur related to official travel. However, this policy provides foundational rules that are applicable for employees traveling on city business. Department Directors may impose additional as well as more restrictive rules for their employees if the
rules are in writing, distributed and written acknowledgement to all members of the department and have been approved by the City Administrator.

Travel/Training

a. Local/Regional

   a. Every effort should be made to use local and regional sites for business training and conferences due to their corresponding lower cost impact on the city.

b. Outside of the United States or Canada

   a. Department Directors must provide written justification and projected costs to the City Administrator for approval for all travel or training outside of the Continental U.S. This justification must include:
      • Why is the training necessary?
      • Will the training received have direct impact on either the employee’s regular job and/or city business?
      • Is similar training available within the Continental U.S. in the time frame necessary to obtain this training?

Accountability for Travel Expenses
All expense reports must be accompanied by receipts (except mileage costs and per diem food allowance); a mileage form must accompany an expense report for mileage reimbursement.

Travel Pay Advances
1. All advances to support official travel must be greater than $100. Employees must request the advance at least ten (10) business days prior to travel.
2. The advance request must be signed by the employee’s Department Director prior to submitting to Finance for distribution.
3. Advances will not be approved for registration fees, airline tickets, etc., as these should be directly charged to the city.
4. Advances will not be requested for more than the anticipated out-of-pocket allowable expenses the employee expects to incur.
5. Unused advances must be returned to Finance with the expense report within five (5) business days after concluding travel.

Transportation
When attending conferences, seminars and professional meetings, employees are expected to choose the most economical means of travel available.

   a. City Vehicle
      Cost-saving methods which include using a city vehicle or ride sharing are encouraged.

   b. Air Travel
      All air travel tickets will be purchased for the most economical fare available. Early booking is encouraged to ensure discounted rates. Luggage reimbursement is limited to one (1) checked bag and excludes any excess fees (i.e., overweight). Special consideration is given for fees on necessary city equipment. Flight insurance, express check-in or early boarding charges and in-flight entertainment are excluded. Airport parking will be reimbursed.
c. Taxi Service/Uber
Taxi or Uber service is reimbursable. Receipts are required for reimbursement for individual charges in excess of $25.

d. Car Rental – Generally, care rental is the most economical means of transportation.
- Employees traveling solo can rent a mid-size vehicle when it is more cost effective than using a taxi or shuttle service.
- Employees may accept complimentary upgrades offered by the rental car company.
- When more than two employees are traveling together, a full-size car may be rented.
- When more than three persons are traveling together, a mini-van or sport utility vehicle may be rented.
- Employees will decline the liability/collision damage waiver offered on the rental contract, as this coverage is already provided through the city.

e. Mileage
- The city will pay mileage from the Hutchins City Hall (321 North Main Street, Hutchins, TX 75141) to the address of the facility at which the training, conference or business meeting occurred as depicted in MapQuest. **No other mileage calculators are authorized.**
- Mileage will be reimbursed according to the IRS approved rate at the time of travel.
- The maximum mileage allowed for airport travel is 34 miles each way from DFW, and 20 miles each way from Dallas Love Field. This mileage reflects the distance from the Hutchins City Hall to each airport.
- “On Call” employees are not authorized mileage reimbursement for responding to after-hours calls; this is considered a job requirement.

Other Related Expenses

a. Lodging
When city business (conferences, training, etc.) requires overnight lodging, an employee is authorized to reserve a conference hotel room or nearby hotel room at a reasonable rate. Receipts are required for reimbursement.

b. Registration fees
- Any basic registration fee associated with attendance at an approved conference, seminar or professional meeting should be charged directly to the city. In a situation when this is not feasible, the expense will be reimbursed to the employee. Receipts are required for reimbursement.
- Fees for special activities such as golf tournaments, personal sightseeing tours, etc., are not considered reimbursable expenses.

c. Per Diem Food Allowance

1. While attending out-of-town training, conferences, or business meetings that are beyond a 50-mile radius from the City Hall, an employee will be reimbursed up to $50.00 per day for the cost of meals, including tips. No receipts are required for this per diem.
2. While attending out-of-town training, conferences, or business meetings that are beyond a 50-mile radius from the City Hall, an employee may be reimbursed up to $60.00 per day for the cost of meals, including tips. Itemized receipts are required for this per diem.
3. Daily per diem calculations are set at a rate of:
   - $10.00 for breakfast 5:00 a.m. – 9:30 a.m.
• $15.00 for lunch 10:30 a.m. – 2:00 p.m.
• $25.00 for dinner 5:15 p.m. – 8:00 p.m.

Example 1: An employee who attends a conference that includes an agenda from 8:00 a.m. until 1:00 p.m. is eligible to file for reimbursement for both breakfast and lunch since those times fall within the eligible meal reimbursement windows.

Example 2: An employee who attends a conference that ends at 4:00 p.m. will not be reimbursed for dinner, even though travel time back to Hutchins will extend past the 5:15 p.m. dinner reimbursement “start” time.

4. When prior day travel is necessary, the employee is permitted to claim per diem beginning at the reasonable start of auto travel time or arrival at the airport and concluding no later than the evening of the day the meeting or seminar concludes.

5. Where an employee combines business with personal expenses, such as bringing a spouse, or taking a side trip or vacation before, during or after the city business function, the employee must keep city business expenses separate and distinct from personal expenses.

6. Department Directors are authorized to approve and/or delegate approval for reimbursement for meals associated with an in-town (less than 40 miles from City Hall) business meeting.

d. Tips
Non-food tips are reimbursable expenses, which should be itemized, if not included in receipts used to document other expenses. Suggested rate is in the 15-18% range for taxi service and $1.00 per bag for porters.

e. Parking Fees
Toll fees, airport parking, and hotel parking fees are reimbursable expenses. Receipts are required for reimbursement.

f. Miscellaneous Charges
Alcoholic beverage charges, dry cleaning or laundry, health club or spa and pay TV movies will not be reimbursable expenses. Valet services will be considered reimbursable if the situation is one in which the employee has no other option. However, it may not be used as a convenience.

g. Taxes
1. The city is exempt from the State of Texas Sales and Use Tax, and thus will not reimburse this cost. When making a purchase for city business, an employee should claim an exemption at the time of purchase by providing a properly completed exemption certificate in lieu of paying tax.

2. The city is not exempt from taxes on the rental of motor vehicles or state and local hotel occupancy tax. These costs, when incurred on official city business, will be reimbursed when receipts are provided.
**Reporting Expenses and Requesting Reimbursement**
Employees will submit expense reimbursement requests within five (5) business days following the completion of travel.

**7.07 Dress, Appearance and Uniforms**
Effective Date: 03-19-2018
Revision Date: 01-06-2020

Employees must always dress appropriately and professionally and present a clean and neat appearance while at work and while representing the city or conducting city business. The city allows for business casual dress in the workplace year-round, in accordance with this policy. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments to maintain acceptable dress and appearance.

**Standards for Work Attire**
- Jeans and athletic shoes are not acceptable unless a special day is declared or as specifically approved by the appropriate Department Director as work assignments dictate. Fridays are casual day and jeans are acceptable.
- Sweatshirts, sweatpants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by city management or shorts have been approved.
- T-shirts are not acceptable.
- Hair styles and hair colors must be appropriate to the employee’s position and extremes of any type are unacceptable. Hair, including facial hair, must be clean and neatly groomed.

**Inappropriate Work Attire**
- Provocative or revealing clothing; and
- Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind; and
- Wrinkled, ripped and/or tattered clothing; and
- Visible tattoos which could be deemed offensive; and
- Nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry, including “gauged” earrings that cause large holes in the earlobe.

**Uniforms**
The city supplies many Fire, Police, and maintenance employees with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The city will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by city employees in connection with outside employment only with the Department Director’s prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean, and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and city related events.
When an employee terminates, uniforms and any other city equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged city property and unreturned uniforms will be deducted from the employee’s final paycheck.

**Enforcement**
In all cases, each Department Director will make the determination as to acceptable dress, appearance and grooming in their department. Employees should direct all questions about appropriate appearance or dress to their supervisor, Department Director, or Human Resources.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including, termination of employment.

The Department Director, with approval of the City Administrator, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

**7.08 Political Activity**
Effective Date: 03-19-2018
Revision Date:

Except as otherwise provided by law, employees will refrain from using their position to influence for or against any candidate for public office, use his/her official capacity to interfere with the elections process, or engage in any political activity while on duty or while officially representing the city.

No employee may hold a position on the Hutchins City Council. Additionally, no employee may hold a position that is partisan or of public trust in any jurisdiction that would constitute a conflict of interest with city employment, or may convey an appearance of impropriety, be incompatible with city employment, or may involve divided loyalties. No employee may serve as a member of a city board or commission in a capacity other than ex officio or as liaison, unless appointed to an ad hoc committee by the City Council or City Administrator.

**7.09 Solicitation**
Effective Date: 03-19-2018
Revision Date:

Any oral or written communication that requests or encourages contributions or money, time, or other items of value for a) any fund or collection, b) participation in any organization, or c) purchase of any merchandise or service is prohibited.

Solicitations for recognized charities and other purposes must be authorized by the City Administrator.
Personnel Manual Acknowledgement
City of Hutchins

My signature below indicates that I have received a copy of the City of Hutchins’ Personnel Manual dated **January 6, 2020**, and I acknowledge that I am responsible for knowing its contents and keeping it updated as revisions occur. I also understand that this manual is city property and that it must be returned to Human Resources upon separation.

This manual and the policies and procedures contained herein supersede all prior practices, oral or written representations, or statements regarding the terms and conditions of your employment with the City of Hutchins. By distributing this handbook, the city expressly revokes and all previous policies and procedures which are inconsistent with those contained herein.

I understand that, except for employment at-will status, all policies and practices may be changed at any time by the City of Hutchins, and the city reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. The City Council authorizes the City Administrator to make future amendments to the personnel policies without further approval of the City Council provided such amendments have no financial impact on the city.

I have received the City of Hutchins Personnel Manual, and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it.

__________________________
Employee Name (Print)        Date

__________________________
Employee Signature
Agreement to Accept Compensatory Time in Lieu of Overtime Pay

In accordance with the provisions of the Fair Labor Standards Act (FLSA) and the City of Hutchins Personnel Manual, nonexempt employees are allowed, with the approval of their supervisor, to accrue compensatory time off instead of receiving payment for overtime hours worked. Prior to the first time an employee earns compensatory time, this agreement must be completed.

As a nonexempt employee, by signing this agreement, I agree to the following terms:

I agree to accept compensatory time off in lieu of overtime pay for overtime hours worked under the FLSA. I understand that I will accrue compensatory time at the rate of one and one-half hours for each overtime hour worked during a workweek. I understand that compensatory time used will not be counted as time worked for purposes of computing overtime or additional compensatory time.

I further understand that compensatory time may be accrued up to a maximum of 40 hours and must be used or paid in accordance with the City of Hutchins policy and the law.

I understand that it is the responsibility of both myself and my supervisor to monitor and maintain records of my earned and used compensatory time.

SIGNED this ____________ day of ______________________, 20____.

Signature: ________________________________

Printed Name: ________________________________