



WINDCREST
TEXAS

Personnel Manual

The City of Windcrest welcomes you! We are excited to have you part of a great community and the Team Windcrest.

We believe in offering the citizens of our community outstanding customer service and a city government that is fiscally responsible and dedicated to the betterment of our community.

Our expectations of City employees follow:

- **Team Work:** Work together as a team.
- **Customer Service:** Provide our customers, internally and externally, with outstanding service. Go the extra mile.
- **Efficiency is a Priority:** Perform duties and responsibilities with accuracy, proficiency and efficiency. We encourage employees to offer suggestions on how to improve processes and build efficiencies that will enhance customer service.
- **Service with a Smile:** A smile takes as much energy as a frown.
- **Respect:** We all work together and it is imperative we show respect to customers and co-workers. Yes Sir, No Sir cannot ever be overused.

We believe in great service and teamwork as described above and expect our employees to share and practice these beliefs. The City of Windcrest is an “**at will employer**” and we can nullify our relationship at any time.

Together we make Windcrest our community.

Again, welcome to the City of Windcrest!

Mayor

Updated: February23, 2015

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**CITY OF WINDCREST
PERSONNEL MANUAL
STATEMENT OF EMPLOYEE**

Please read this Personnel Manual and keep it handy for future reference. You are responsible for adhering to the policies and procedures contained in this Personnel Manual. You are required to sign this sheet and return it to your Supervisor within ten (10) days after you receive this manual. Please understand that this manual summarizes some, but not all, of our policies, practices, and employee benefits.

_____ I have read the City of Windcrest Personnel Manual. I understand that this Personnel Manual supersedes all previously dated manuals and/or materials. I have carefully read and I understand all the rules and information contained therein, including the benefits and privileges to which I may be entitled.

_____ I understand that the City may from time to time change, modify, alter, add, delete or substitute new procedures, policies, rules or regulations concerning working conditions at the City. In the event of a policy change, employees will be notified. Any such action shall apply to existing as well as to future employees.

_____ It is expressly understood and agreed by me, my heirs, and assignees that nothing contained in this manual or any subsequent changes or modifications shall act as a contract or guarantee of employment.

_____ I understand that my employment with the City is **at-will** and may be terminated by either me or the City at any time, with or without notice, and with or without cause. Any exception to this at-will condition must be set out in a written agreement, signed by me and the City Manager of the City, after approval of the City Council.

_____ I understand the City of Windcrest's Anti-Harassment Policy and agree to conform to its requirements.

_____ I understand the City of Windcrest's policy on alcohol, drugs and controlled substances and, specifically, that portion of the policy that permits the City to conduct searches and/or inspections of personal property located on city premises, and acknowledge that the City may conduct screenings of individuals on a random basis or an individual basis.

_____ I expressly understand that the City prohibits the possession of any weapons, including firearms, on City premises, including vehicles parked on City property, except those that are required to be carried by persons whose job function requires it.

_____ I understand that the City has made available a grievance procedure for the equitable resolution of problems that may arise and that I will not be penalized in any way for the participation in such procedure.

Employee Signature

Date

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Printed Name

PURPOSE

Whether you have just joined our staff or have been at the City of Windcrest for a while, we are confident that you will find the City a dynamic and rewarding place in which to work and we look forward to a productive and successful association. We consider the employees of the City of Windcrest to be one of its most valuable resources. A percentage of the Budget is dedicated to employees. Special effort has been made in these policies to emphasize the employee/employer relationship, mutual need for open communication, and clear lines of authority and responsibility. The value of this manual therefore is not found in the pages of the manual, but rather in the application of these policies and procedures. Accordingly, each Department Head is expected to remain knowledgeable of City Policies and is required to ensure all employees are briefed, oriented, trained, and perform according to the application of the contents of this manual.

Neither this manual nor any other City document confers any contractual right, either expressed or implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause and without prior notice, by the City or you may resign for any reason at any time. No Supervisor or other representative of the City (except the City Manager, with the approval of the City Council) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

The procedures, practices, policies and benefits described here may be modified or discontinued from time to time. Please read it carefully and refer to it often. In the event of a policy change, employees will be notified.

The City typically reviews the manual on an annual basis, however may do so more or less often depending on necessity. Recommended changes, additions, and/or deletions are made to the City Council for approval to ensure its relevance and correctness to current operations and responsibilities.

Note: Whenever the pronouns "he" or "she" or similar term denoting gender appears in this Manual, it also refers to the opposite gender.

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STANDARDS

The City Council of the City of Windcrest, duly constituted under the laws of the State of Texas, is responsible for the administrative operations and fiscal management of the affairs of the City. To fulfill these responsibilities, the City is an organizational structure composed of elected officials, a Mayor and five Aldermen, a paid staff of employees and volunteer individuals and/or organizations. Each element of the organization is engaged in the providing of services, and each is held accountable for his actions as representatives of the City.

The organizational chart for the City of Windcrest is located in the document center.

Since municipal government is engaged in providing 24 hours a day, seven days per week service to the public, each individual in the organizational structure must have and/or develop the personal characteristics which consistently practice the best in public relations, community services, and a dependable and responsive attitude in dealing with the public and with one another. Accordingly, the following standards shall govern the employee's actions as the employee represents the City to both residents and non-residents.

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“AT WILL” EMPLOYMENT RELATIONSHIP

Each employee’s employment relationship with the City is voluntarily entered into and employees are free to resign at any time, with or without notice. Similarly, the City is free to end any employment relationship at any time, with or without cause and with or without notice. Accordingly, there is no promise that your employment will continue for a set period of time or that an employee’s employment will be terminated only under particular circumstances. The relationship between the City and the employee is and always will be one of the voluntary employment ‘at will.’ Only the City Manager, with the prior approval of the City Council, can enter into an agreement contrary to this policy. Any such agreement must be in writing and signed by both the employee and the City Manager and is attached to a written approval from the City Council.

EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER STATEMENT

The City of Windcrest believes that a person should be rewarded for those achievements for which he is personally responsible and be held accountable for those failings for which he personally responsible. The City is firmly committed to treating employees and applicants for employment according to their experience, talent, and qualifications for the job, without regard to their race, religion, color, national origin, sex, age, or disability (if otherwise qualified to do the job). Our policy in this regard covers all employment decisions, including recruitment, hiring, placement, promotions, transfers, layoffs or terminations, rates of pay, employee benefits, and selection for training.

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STANDARDS FOR EMPLOYMENT**Requirements**

To be employed with the City of Windcrest, an applicant must:

1. Generally, be at least eighteen (18) years of age and possess a high school diploma or equivalent. Refer to specific job requirements that may have other minimum requirements.
2. Police applicants must be at least twenty-one (21) years of age. Some positions may require a higher level of education.
3. Complete an employment application. Each candidate may be required to show supporting documentation, such as: resumes, copies of educational and professional certifications, or any other documents as required.
4. Prove and attest to eligibility under the Federal Immigration Reform and Control Act of 1986. Provide documentation to complete the I-9 Form.
5. Understand, agree to, and sign the required employment forms.
6. Possess the mental and physical ability to perform the essential functions, with or without reasonable accommodation, of the job classification assigned.
7. Arrange for dependable transportation to and from the job.
8. Obtain a license, permit or bond as may be required by the City or its agents.
9. Complete and provide appropriate documentation for release of information pertaining to background screening.
10. Generally, individuals who have received a conditional offer of employment from the City will be required to take a post-offer physical examination and submit drug and controlled substance screening test as a condition of employment. A positive test result for drugs or controlled substances may result in denial of employment.

Polygraph

The City may require an applicant for employment to take a pre-employment polygraph at the City's expense. All law enforcement, fire department, finance department, and post office applicants under consideration for employment will be required to take a pre-employment polygraph exam at the City's expense. Furthermore, at any time the City may require an employee or groups of employees to take a polygraph exam. Should the employee not agree with the results of the examination, he may, at his option and expense, retake such examination with a different examiner, duly licensed and

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qualified as a professional polygraph examiner. The City will take into consideration the results of the second examination in making any decision concerning the employer/employee relationship.

All police applicants will be required to take a psychological examination at the City's expense in addition to the aforementioned exams.

Employment Examination

The City may at any time request any employee to undergo a drug screening, physical and/or psychological examination at the City's expense.

Preventative Immunization and Vaccination Policy

Please refer to Section 607.004 of the Texas Government Code. The City of Windcrest will follow the guidelines as stated in this statute. *Texas Govt. Code Title 6 is located in the document center*

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The City of Windcrest has adopted a policy of “zero-tolerance” with respect to unlawful workplace harassment in accordance with *Section 703 of Title VII of the 1964 Civil Rights Act (located at document center)*. In this connection, the City expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, military or veteran status, or status in any group protected by state or local law. Improper interference with the ability of City employees to perform their expected job duties is not tolerated.

With respect to sexual harassment, the City prohibits the following:

- Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of employment
 - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment
 - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment
- Offensive comments, jokes, innuendoes, and other sexually oriented statements.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body
- Sexually suggestive touching
- Grabbing, groping, kissing, or fondling

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- Lewd, off-color, sexually oriented comments or jokes
- Foul or obscene language
- Leering, staring, or stalking
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons
- Unwanted or offensive letters or poems
- Sitting or gesturing sexually
- Offensive e-mail or voice-mail messages
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct
- Gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess
- Questions about one's sex life or experiences
- Repeated requests for dates
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided
- Sexual assault or rape
- Any other conduct or behavior deemed inappropriate by the City

This policy applies to all applicants, employees and volunteers, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by this policy 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.

Harassment Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

If you experience any job-related harassment based on your sex, race, national origin, disability, or another factor, or believe that you have been treated in an unlawful, discriminatory manner, promptly report the incident to your supervisor. If you believe it would be inappropriate to discuss the matter with your supervisor, you may bypass your supervisor and should report it directly to your Department Head or City Manager and an investigation will be conducted. Your complaint will be kept confidential to the maximum extent possible.

If the City determines that an employee is guilty of harassing another employee, appropriate disciplinary action will be taken against the offending employee, up to and including termination of

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employment.

The City prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the City determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, up to and including termination from employment.

IMPORTANT NOTICE TO ALL EMPLOYEES:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

The City is committed to complying with the Americans with Disabilities Act of 1990 (updated March 2012) as **amended (located in the document center)**. Accordingly, all employment decisions as to applicants for employment or as to persons having been employed will be made regardless of the existence of a disability or perceived disability. Once it is known that an individual suffers from a disability and that person is otherwise qualified for the job in question, the City will make all means available to reasonably accommodate the individual's disability, provided the accommodation would have been a reasonable accommodation had the hardship been known when the applicant was hired and provided that such accommodation does not constitute an undue hardship on the City. This determination will be made on a case-by-case basis, dependent upon the facts involved. No employee or applicant for employment will be denied employment because of the need for reasonable accommodation.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the City Manager or his designee. The City encourages individuals with disabilities to come forward and request reasonable accommodation. Procedure for requesting an accommodation **is located in the document center**.

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IMMIGRATION REFORM AND CONTROL ACT

The Immigration Reform and Control Act of 1986 makes it unlawful for an employer to knowingly hire, recruit, or refer for a fee for employment in the United States any individual (citizen or alien) not supplying proper documentation to verify his eligibility to work in the United States. The City will comply fully with this law and will not knowingly employ anyone who does not supply the City with government-required support documentation to verify that the employee is authorized to work in the United States. In the event it is determined an individual does not have the appropriate documentation, that individual will be subject to termination.

AGE DISCRIMINATION IN EMPLOYMENT ACT

Consistent with the Age Discrimination in Employment Act, we will not discriminate against anyone because he is over the age of forty (40). An employee or job applicant who has questions regarding this policy or believes that he has been discriminated against based on age should notify the City Manager or his designee.

RIGHT –TO-WORK LAWS

The City resolves to respect the Right-to-Work Laws of Texas, our home state, and will carefully protect each person's right to enjoy all the privileges of employment without regard to his membership or non membership in any organization or association.

OUTSIDE EMPLOYMENT STATEMENT

The City recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to our business. However, the employee must disclose any possible conflicts so that the City may assess and prevent potential conflicts of interest from arising. A potential, perceived or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of the City's business dealings. When an employee is on FMLA leave, the employee with the City of Windcrest, will not be permitted to work outside employment.

Employees are required to obtain written approval from their Supervisor before participating in outside work activities. Approval will be granted unless the activity conflicts with the City's interest. In general, outside work activities are not allowed when they:

- prevent the employee from fully performing work for which he is employed at the City, including overtime assignments;

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- involve organizations that are doing or seek to do business with the City, including actual or potential vendors or customers; or
- violate provisions of law or the City's policies or rules.

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

Work Product Ownership

All City employees must be aware that the City retains legal ownership of the product of their work. No work product created while employed by the City can be claimed, construed, or presented as property of the individual, even after employment by the City has been terminated or the relevant project completed. This includes written and electronic documents, audio and video recordings, system code, and also any concepts, ideas, or other intellectual property developed for the City, regardless of whether the intellectual property is actually used by the City. Although it is acceptable for an employee to display and/or discuss a portion or the whole of certain work product as an example in certain situations (e.g., on a resume, in a freelancer's meeting with a prospective client), one must bear in mind that information classified as confidential must remain so even after the end of employment, and that supplying certain other entities with certain types of information may constitute a conflict of interest. In any event, it must always be made clear that work product is the sole and exclusive property of the City.

Reporting Potential Conflicts

An employee must promptly disclose actual or potential conflicts of interest, in writing, to his Supervisor. Approval will not be given unless the relationship will not interfere with the employee's duties or will not damage the City's relationship/reputation

EMPLOYMENT

Orientation Period

Every new employee goes through an initial period of adjustment in order to learn about the City and about his job. During this time the employee will have an opportunity to find out if he is suited to, and likes, his new position.

Additionally, the orientation period gives the employee's Supervisor a reasonable period of time to evaluate his performance. The orientation period is six months for non-police personnel and one year for police personnel.

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During this time, the new employee will be provided with training and guidance from his Supervisor. He may be discharged at any time during this period if his Supervisor concludes that he is not progressing or performing satisfactorily, with the approval of the City Manager. Under appropriate circumstances, the orientation period may be extended. Additionally, as is true at all times during an employee's employment with the City, employment is not for any specific time and may be terminated at will, with or without cause and without prior notice.

At the end of the orientation period, the employee and his Supervisor may discuss his performance. Provided his job performance is "satisfactory" at the end of the orientation period, he will continue in our employment as an at-will employee.

Applicability of Personnel Policies

Department Heads may establish departmental rules and regulations that relate specifically to personnel issues in their departments as long as they do not conflict with these policies. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies shall prevail. Departmental rules and regulations must be approved by the City Manager in writing. Additionally, the provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect. Changes in state or federal laws or regulations will supersede these policies and/or departmental policies from the effective date of the law or regulation forward and will substitute for these personnel policies only insofar as necessary for compliance. Should Police policy and this manual be in conflict, the Police policy will prevail as approved by the City Manager.

Employee Categories

Exempt Employee

Exempt Employees are Employees who are not required to be paid overtime, in accordance with applicable federal, state or local law. Executives, professional employees, outside sales representatives, and employees in certain administrative or computer-related positions are typically exempt.

Non-Exempt Employee

Employees who are required to be paid overtime will be paid at the rate of time and one half (i.e., one and one-half times) their regular rate of pay for actual hours worked beyond forty hours in a workweek, (i.e. must be at work 40 hours and not used any vacation, sick, etc. in that same 40 hour week, in accordance with applicable federal wage and hour laws.

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Full-time Employee

A "full-time employee" is an individual who consistently works at least 37.5 hours per week and a minimum of eleven months per year. This employee is eligible for all of the employee benefits given by the City.

Part-Time Employee

A "part-time employee" is an individual who works less than 37.5 hours per week and do not generally receive benefits.

Temporary/Seasonal Employee

A "temporary/seasonal employee" is an individual who is hired for a period of less than one hundred eighty (180) days. They are paid an hourly rate comparable to the Federal Minimum wage or commensurate with the duties of that position. This employee will not be eligible for City benefits.

Volunteers

A "Volunteer" is any person who gives his services to the City without any expressed or implied promise of remuneration. Volunteers are required to comply with the personnel policy. Volunteers are subject to Worker's Compensation insurance coverage only when providing authorized service to the City. Volunteers work at the will of the respective Department Heads.

WORK SCHEDULE**Continuous Uninterrupted Service**

When used in this manual, the term "continuous uninterrupted service" shall mean an employee's continuous performance of productive work for the City. Employees' continuous uninterrupted service may be deemed to be broken when an employee fails to report for work for more than two (2) consecutive working days without cause and fails to report to their Supervisor without delay on the first day of absence the reason for the absence. Absence because of military reserve duty and/or jury duty shall not be counted as time absent for the purpose of this definition.

Working Hours and Break Periods**Regular Hours**

The regular work schedules for each position and department may vary. The schedules will be assigned through the employee's Supervisor or Department Head. Please refer any questions relating to working hours to your Supervisor or Department Head.

Lunch Hours

Employee meal periods are important to the City's productivity and employee health. Employees who work at least six (6) consecutive hours will be provided with a meal period. The meal period for employees is one (1) unpaid hour, but may be adjusted at the discretion of the Department Head,

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but no less than 30 minutes. Employees are to be completely relieved and are not permitted to work during any portion of the employee's meal period.

Breaks

The City recognizes that employees work better and enjoy their work more when they are rested and refreshed. Although not required by Federal Law, the City generally offers all employees working eight hours per day with two (2) paid fifteen (15) minute rest periods when possible; one in the morning and one in the afternoon. Break time is generally a part of the work day; such time may not be accumulated or used in lieu of leave. The times for these periods will be determined by each Department Head. At times work projects or demands may not allow for a break at specific times. Supervisors and Department Heads will do their best to allow for these break times.

Lactation Breaks

The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child up to one year of age. If possible, this break time shall run concurrently with any break time already provided by law to the employee. Any break time given for this purpose that does not run concurrently with the break time provided by law shall be unpaid.

The City will make every reasonable effort to provide employees with the use of a room or other location (other than a toilet stall) close to the employees' work area for employees to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this policy.

Weekend, Holiday, Afterhours Duty, Special Events and Emergencies:

At times an employee or employees may be placed on call and/or requested to report for duty on weekends, holidays and/or after regularly scheduled work hours. Each employee of the City may be required to work special events or report to work with little notice for emergency purposes.

Limited Duty

When an employee is physically unable to perform his normal duties, a Department Head, with approval of the City Manager, may allow Limited Duty status for that employee for a time frame not to exceed six (6) months in duration unless otherwise required by law. Employees placed on limited duty status may have their pay rate adjusted to the salary level of the position they are temporarily filling by the City Manager. Limited Duty will only be granted when a position is available. No new position will be created by a Department to accommodate an employee's request for this duty.

Layoff

When it is necessary to terminate an individual's employment due to elimination of a position, lack of available work or funds or other circumstances which do not reflect discredit on the employee's performance, this action is termed as "layoff."

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The decision of the City Manager to retain or terminate an employee shall be based on his position, job performance, seniority and ability to perform duties and responsibilities of the respective position. Full-time employees shall receive preference over part-time, temporary or seasonal employees.

Whenever possible, the affected employee(s) shall be given at least two (2) weeks advance notice of termination.

Rehire Policy

An employee whose employment was terminated by the City for non-performance related issues or by the employee who gave proper notice of resignation will be eligible for rehire.

Compensation

It is important to have a stable permanent salary plan policy, so an employee may see the future in working for the City of Windcrest. The policy is based upon values such as fairness and equity to be able to hire and retain employees. The Salary policy will be reviewed from time to time. Please refer to the Personnel Schedule for additional details.

Performance Evaluations

All employees will be evaluated annually by May 30th. Non-exempt and exempt employees will be evaluated by their respective Department Head/Supervisor. The City Manager will evaluate other exempt employees, including Department Heads. The Mayor and City Council will evaluate the City Manager. Based on the employee's performance evaluation, each employee may be eligible for a merit increase as outlined in the approved Merit Increase Guide. The Merit Increase Guide contained in the Forms Index will be utilized for computing merit salary increases, considering budget guidance and considering the overall knowledge of the Department Head. Salary increases may be withheld should the employee's work performance warrant such. Based upon overall budget considerations, the City Council will determine the percentage of total salary dollars available for Merit Performance Increases and salary adjustments. Merit increases and salary adjustments will be effective on the first payroll which includes the October 1st effective date or the effective date directed by the City Council.

Employees with less than one year of service at the time of merit adjustments would be eligible for a pro-rated merit increase on the fixed-point effective date of merit adjustments. Employees hired within 90 days of the fixed-point date would not be eligible for merit increase until the following fiscal year increase date, at which time they would be eligible for a pro-rated increase reflective of their number of months of service.

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Employees

The performance evaluation system of Windcrest is an employee oriented program consisting of joint employee and the Supervisor evaluations and frequent joint interactions to evaluate an employee's work performance. The Windcrest Police Department efficiency report will be used for assigned Police personnel.

Purpose

The purpose of performance evaluations are to:

1. Assist the employee and the Supervisor in mutually understanding the job requirements;
2. Help the employee improve individual job performance;
3. Recognize employee accomplishments and good work;
4. Assist the employee in planning his employment with the City;
5. Help determine eligibility for promotion, conversion to regular status or retention.

General Guidelines and Record Keeping Requirements

All performance evaluations will be completed in accordance with this Manual and will be submitted according to the following guidelines:

1. **Informal Performance Review** - Each Supervisor, on a quarterly basis, will discuss with their employees the performance for the quarter. Notes concerning this discussion should be used to assist in writing the formal evaluations.
2. **Formal Evaluations** - Formal evaluations are discussed jointly by employees and Supervisors and are submitted on at least an annual basis and at other times as specified below. Each Department is required to establish a formal chain of command through which evaluations will be routed and reviewed. This chain of command should be the same chain as for disciplinary actions and shall be posted in a visible area within the Department. The employee is required to sign the City's copy of the evaluation to signify that a discussion of the rating has taken place. This signature does not imply agreement with the evaluation. Formal evaluations are kept in the employee's permanent personnel file. These evaluations are done at the following times.
 - a. New Employee - Employees who are newly hired or in a new job with the City will be formally evaluated at 30 days, 90 days, and 150 days of employment. Supervisors are required to discuss the employee evaluation form with their new employee(s).

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- b. Annual - An annual evaluation will be done on each employee by May 30th.
 - c. Attention must be paid to the proper time sequence in submitting evaluations to the City Manager.
3. When submitting evaluations for a new employee or termination, the evaluation and supporting documentation must be received by the City Manager at least five (5) days prior to the qualifying event. When submitting annual evaluations, the evaluation and supporting documentation must be received by the City Manager at least ten (10) working days prior to May 30th unless another submission date is set by the City Manager or City Council.
 4. Generally, the City Manager is the final authority on all evaluations of performance for all employees. The completed evaluation must be submitted to the City Manager for review, signature, comments and filing in the employee's personnel file.

Any adjustments to the evaluation resulting from the employee's comments must be documented on this form by the Department Head.

PAYROLL POLICY

Paychecks are payment from the City for services rendered and payment is bi-weekly. When you get your payroll check or direct deposit pay statement, make sure the hours and pay rate are correct. If your hours or rate of pay is not correct, do not cash your check, bring it to the attention of your Department Head or Supervisor and let him correct the error, if any. Also, if you do not understand how to figure your pay or how to read your check, seek help from a Department Head or Supervisor so that it can be properly explained to you.

Employees may be paid by check or through direct deposit of funds to either a savings or checking account at their bank of choice (providing the bank has direct deposit capability). To activate direct deposit, complete the Direct Deposit form. To ensure account accuracy it may take several weeks for activation of the Direct Deposit.

In the event of a lost paycheck, the Finance Department must be notified in writing as soon as possible before a replacement check can be issued. In the event the lost paycheck is recovered and the City identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the City within 24 hours of the time it is demanded. Or this amount could be deducted from the next check .

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The amount of Federal withholding is affected by the number of exemptions claimed on Form W-4, Employee's Withholding Allowance Certificate. If an employee's marital status changes and new W-4 is submitted, please allow up to two weeks before becoming effective.

Deductions from Paychecks

There are three automatic deductions from your "gross pay", all of which are required by law: Social Security (F.I.C.A.), Income Tax, and Medicare deductions. The Income Tax deductions vary with the number of dependents you claim. Consult with your Accountant or Financial Advisor or the Internal Revenue Service as to how many you should claim. Additional resource is the Form W-4, which has a worksheet that will help figure your deductions.

Your contribution to the Retirement System will be deducted from your paycheck each pay period.

Under Texas law, your employer cannot garnish your wages for the collection of unpaid debts. The only exceptions are the collection of unpaid income taxes, court ordered child support payments, and/or delinquent student loans. Your paycheck can be garnished by Court-ordered deductions. There may be other deductions authorized by the employee. Such authorizations are completely voluntary and must be in writing by you.

Overtime

Overtime work may be required of any employee subject to approval of the employee's Department Head or designated Supervisor. An employee who fails to work scheduled or non-scheduled overtime is subject to disciplinary action, up to and including discharge. In determining whether overtime rates apply to an employee's rate of pay, periods of absence such as holidays, vacations, leaves of absence, sick leave, etc. shall not be computed as "hours worked."

All non exempt employees (except Firefighters and Law Enforcement Officers) will be paid one and one-half times their regular hourly rate for all hours worked beyond forty (40) in any given workweek. Employees who are nearing or have worked forty (40) hours in a work week may be given time off by their Supervisor or Department Head within the same workweek to prevent or reduce overtime if it does not create an undue hardship for a department.

Employees should receive prior approval from the employee's Department Head/Supervisor before performing work beyond the employee's regular work hours. Failure to receive prior approval could be subject to disciplinary actions.

Overtime Rule for Firefighters and Law Enforcement Officers

The City will utilize Overtime Compensation Rules defined in Section 553.230 of the Fair Labor Standards Act in determining when overtime will be paid to full-time Firefighters and Police Officers. For those employees engaged in fire protection and law enforcement activities who have a work period of at least seven (7) but less than twenty eight (28) consecutive days, no overtime

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compensation is required until the number of hours worked exceeds the number of hours which bears the same relationship to two hundred and twelve (212) as the number of days in the work period bears to twenty eight (28). This policy establishes a work period of fourteen (14) days for both Firefighters and Police Officers. Overtime for Firefighters will be paid after one hundred and six (106) hours are worked in a fourteen (14) day period and for Police Officers after eighty six (86) hours are worked in a fourteen (14) day period.

Employee Time

Any employee inaccurately reporting or falsifying time worked is subject to disciplinary action up to and including termination. See the Time and Attendance Policy for details.

TIME OFF

Holidays

The City will grant paid holiday time off to all full-time employees on the holidays listed in the document center:

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

Holiday Pay

Full-time, non-exempt employees authorized to work on a scheduled City holiday or the weekend will be paid at the rate of two times their hourly rate for the number of holiday hours worked.

Example:

Christmas Eve Holiday falls on Saturday, the City observes this holiday on the Friday before Christmas Eve. Christmas Day Holiday falls on Sunday, the City observes this holiday on the following Monday. The non-exempt employee would receive double time pay for Friday and Monday.

<u>Work Schedule</u>	<u>Pay</u>
Friday, December 23--City Holiday	2 times hourly rate
Saturday, December 24	Add 1 ½ Regular hourly rate
Sunday, December 25	Add 1 ½ Regular hourly rate
Monday, December 26—City Holiday	2 times hourly rate

Non-exempt employees may elect to request time off at a later date in lieu of receiving holiday pay. In order to request time off, the employee must submit their request in writing and attach it to the affected dates. Employees may only defer twenty – four (24) hours of holiday hours per year and all

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deferred holiday time must be taken in the same calendar year. Exempt employees are paid normal rate of pay for having to work on holidays.

Administration of Vacation and Sick Leave

The City provides for earning or using of vacation and sick leave by full-time employees. Request for Leave is done via your supervisor and/or Department Head.

Vacation and sick leave are earned as indicated in this Manual. Vacation leave and sick leave, when authorized, will only be charged for absence during work days. Saturdays, Sundays or official City holidays are considered non work days for all employees, except those assigned to shifts. All requests for leave must be approved by the employee's Supervisor.

Vacation and sick leave may be used to facilitate short periods of absence, i.e., personal business, physician's appointments, etc. However, individuals who utilize all of their sick and vacation leave will not be advanced leave, but will be required to take leave without pay unless he/she receives hours from the Sick Leave Pool.

Accrual / Vacation Leave

Non- exempt

1. Vacation leave of ten (10) days per calendar year will be granted to non-exempt employees, after one (1) year of continuous satisfactory employment.
2. Vacation leave for non-exempt employees may be accumulated not to exceed hours listed:

Non-exempt

1-5 years:	2 weeks	120 maximum hours
5-10 years:	3 weeks	160 maximum hours
10+ years:	4 weeks	210 maximum hours

Reimbursement will be made for accrued unused vacation leave upon termination after twelve (12) months of satisfactory employment.

3. Vacation leave with pay may not be granted until the employee has been on full employment for 12 months. If the employee would have qualified for FMLA leave had that employee been employed for at least 12 months and had worked 1,250 hours then the employee will be required to use their vacation leave after they have

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exhausted their sick leave for an event that would qualify under the FMLA in lieu of leave without pay.

4. A request from a non-exempt employee for an anticipated vacation leave must be submitted to the Department Head/Supervisor two (2) weeks prior to the beginning date of requested leave. A Department Head may approve a request for vacation leave with less than a two week notice that is based on extenuating circumstances.
5. The City will attempt to grant the employee's request for time off however; circumstances such as absenteeism of other employees, vacation, and workload issues may prohibit the request.

Exempt

1. Vacation leave for exempt employees and not to exceed time listed:

Exempt, Department Heads, & City Manager

1-5 years:	3 weeks	160 maximum hours
5-10+ years:	4 weeks	210 maximum hours

Reimbursement will be made for accrued unused vacation upon termination after one (1) year of satisfactory employment. Time will be provided for exempt employees, the City Manager and Department Heads to make satisfactory arrangements for their vacation time without it impacting on their accrual limits for vacation leave. The City Manager and Department Heads are highly encouraged to take leave to avoid exceeding the accumulated limit.

2. The scheduling of vacation leave for Department Heads will be coordinated and approved by the City Manager. The Mayor will approve leave for the City Manager.
3. Vacation leave with pay may not be granted until the employee has been on full employment for 12 months. If the employee would have qualified for FMLA leave had that employee been employed for at least 12 months and had worked 1,250 hours then the employee will be required to use their vacation leave after they have exhausted their sick leave for an event that would qualify under the FMLA in lieu of leave without pay.
4. The City will attempt to grant the employee's request for time off however, circumstances such as absenteeism of other employees, vacation, and workload issues may prohibit request.

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Personal Leave

An employee who has taken 0 - 3 days of sick leave in the preceding twelve (12) months and has completed twelve (12) months of uninterrupted full time service with the City may elect to convert two (2) days of sick leave to personal leave. An employee who is eligible and elects to convert two (2) days of sick leave to personal leave must use the personal leave before their next anniversary date or it will remain as sick leave accrued.

Personal leave is defined as paid leave and is not to be confused with an employee's accrued vacation leave as personal leave must be taken prior to the employee's next anniversary date.

Administrative Leave

A Department Head, with the approval of the City Manager, may place an employee on administrative leave with or without pay. Administrative Leave is not considered as vacation or sick leave.

Bereavement Leave

In the event of a death in the immediate family, a full-time employee will be allowed a leave of absence with pay not to exceed three (3) working days. For the death of a non immediate family member, one (1) day of leave will be provided. For purposes of this policy, immediate family is defined as parent, grandparent, spouse, sibling, child, grandchild, mother in law, father in law, brother in law and sister in law. Non immediate family is defined as grandparent-in-law, aunt, uncle, cousin or in-laws not described above. If the days fall within your vacation, a holiday, or scheduled days off, no adjustment will be made to hours or wages. Your Supervisor must be notified immediately of the forthcoming absence so that proper schedule arrangements can be made.

Jury Duty

If you are summoned to serve on a court jury, you shall show your summons to your Supervisor promptly (within two days of receipt) so that proper schedule arrangements can be made. You shall also keep your Supervisor regularly informed of when you expect to return from jury duty. If you are dismissed from jury service prior to the end of your scheduled work day, call your Supervisor to determine whether you should report for work. A statement from the jury clerk, listing days of service, must be presented to your Supervisor the day you return to work. You will be paid your regular pay for those days which you were assigned to work but instead served on a jury panel, up to a maximum of fifteen (15) working days per year. Absences greater than fifteen (15) working days caused by jury duty service will be without pay unless the employee chooses to use their vacation time for the remainder of their jury duty. An employee who has not been employed with the City for one year is permitted to use their accumulated vacation time for the remainder of their jury duty.

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Weather Related Closures

In the event that City Hall would be closed or would open late due to hazardous weather and/or road conditions this information would be provided on the Employee Information Line.

The Employee Information Line can be reached by dialing the Main City Hall phone number 210-655-0022, waiting for the Auto-attendant to answer and then dialing extension 4110.

The recording would play relative information to the current situation. Unless otherwise directed by the information in this recording the employee would report to work at the regular time. Calling the Police Dispatcher may not have the latest information provided in the Employee Information Line.

Military Leave

The City of Windcrest's policy is to comply with all applicable laws that afford protection rights to employees serving duty with the military, the Armed Forces Reserves and National Guard.

There are two (2) situations in which military leave is granted: temporary military duty (including summer encampment) and active duty. The City of Windcrest will supplement pay for up to fifteen (15) days per calendar year for employees serving temporary military duty. For active duty or enlistment, leave will be unpaid. Upon the employee's return from active military service they may be eligible for reinstatement as provided in the Uniformed Services Employment and Reemployment Rights Act (USERRA). If an employee enlists or is called to active duty, employee benefits not provided for by USERRA will not continue beyond the end of the month in which leave begins.

Continuation of Health Benefits

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue his health coverage for up to 24 months of uniformed service, but may be required to pay all or part of the premium for the continuation coverage. The City appreciates the sacrifices made by military families. By appreciation, the City offers to pay 100% of the premium of the employee only portion of group health plan coverage while the employee is on Military Leave. The employee would still need to follow the procedures to elect continuation of coverage and if elected, the employee would be responsible for dependent coverage premiums. [NOTE: Employees and/or dependents who elect to continue their coverage may not be required to pay more than 102% of the full premium for the coverage elected. The premium is to be calculated in the same manner as that required by COBRA.]

All military leave requests must be in writing and accompanied by military orders. Military leave requests shall be submitted to the employee's respective Department Head as soon as possible after receipt of military orders. Military leave benefits will not be paid unless military orders are presented prior to the dates of each absence for military leave.

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Return from Military Leave**Notice Required**

Upon return from military service, an employee must provide notice of or submit an application for reemployment in accordance with the following schedule:

1. An employee who served for less than 31 days or who reported for a fitness examination, must provide notice of reemployment at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service.
2. An employee who served for more than 30 days, but less than 181 days, must submit an application for reemployment no later than 14 days after completing his period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.
3. An employee who served for more than 180 days must submit an application for reemployment no later than 90 days after the completion of the uniformed service.
4. An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to the Human Resources Department (if the service was less than 31 days), or submit an application for reemployment (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).

Required Documentation

An employee whose military service was for more than 30 days must provide documentation within two weeks of his return (unless such documentation does not yet exist or is not readily available) showing the following: (i) the application for reemployment is timely (i.e. submitted within the required time period); (ii) the period of service has not exceeded five years; and (iii) the employee received an honorable or general discharge.

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TIME OFF TO VOTE

The City encourages employees to vote in elections for public office ("elections for public office" includes elections for sheriff, school board, district attorney, and all primary and general elections) are scheduled throughout the state, county, city or town in which the employee works.

Any employee whose work schedule does not provide him two consecutive hours to vote while polls are open, will be granted reasonable time off in order to vote. This time off will be paid up to a maximum of two (2) hours.

Texas law requires employers to allow employees time off to vote if their work schedules are during voting hours and they do not have at least two (2) hours consecutive outside of work schedule for voting.

- a. Let employees have at least two hours off to vote on an election day (unless they have already voted under early voting procedures)
- b. Such time off needs to be paid to the extent that it cuts into the employee's normal working hours (*statue V-1532*)
- c. Such time off does not need to be paid if the two hours are available outside of normal working hours (*statue V-1532*)
- d. If the time is taken off from mandatory overtime, the time off should be paid at the rate that would have applied to the time so missed (*statue M-53*)
- e. If the time is taken off from optional overtime voluntarily requested by the employee, the time off does not need to be paid, since the time off would be outside of normal working hours and is time that the employee voluntarily chose to spend working rather than voting (M-53)

Notify your supervisor of the need for voting leave as soon as possible. The City reserves the right to select the hours you are excused to vote. When you return from voting leave, you must present a voter's receipt to your Supervisor as soon as possible.

No employee will be penalized or retaliated against for requesting time off to vote.

FMLA (Family and Medical Leave of Absence) and Sick Leave

Definitions

FMLA leave is a federally mandated unpaid leave available to employees who have been employed for at least twelve (12) months prior to the request for leave and who have performed at least 1,250 hours of service during the last twelve (12) months.

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Sick leave is an optional leave provided by the City of Windcrest which is not required by state or federal law and should not be confused with FMLA leave. It is a paid benefit for certain employees, whereas FMLA is an unpaid right. The rules for obtaining the benefits of paid sick leave from the City and unpaid FMLA benefits under federal law are different, although they overlap in some circumstances.

Availability

FMLA leave is available for the following reasons: (a) the employee's serious health condition, (b) to care for a child, spouse or parent who has a serious health condition, or (c) the birth, adoption or placement through foster care of a child and to care for that child within twelve (12) months of birth/placement, (d) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Sick leave is provided to all full-time and exempt employees. It is available to an employee who is unable to work due to (a) personal injury, illness or pregnancy, or (b) due to the personal injury, illness or pregnancy of a member of the employee's immediate family. Immediate family is defined as an employee's spouse or the child/legal dependent of the employee or his spouse who is a permanent resident of the employee's household. The employee's personal injury or illness does not need to be serious as in the case of FMLA.

Accrual of FMLA Leave

If you are an employee eligible for FMLA leave, you may receive up to twelve (12) weeks of FMLA leave during a "rolling" twelve (12) month period for any of the reasons stated above for FMLA leave. The rolling twelve (12) months is reviewed by looking back at the twelve (12) months prior to a leave request to determine how much leave has been taken.

Intermittent leaves and leaves taken by reducing your work schedule will be granted when necessary due to your own serious health condition or that of a covered family member. Intermittent and/or reduced schedule leaves due to the birth, placement or adoption of a child may be granted with the authorization of your Supervisor. If you work a reduced hour schedule due to an intermittent FMLA leave, you will receive an adjustment to your pay based upon the reduced schedule.

The City reserves the right to limit the leave period for spouses when both are employed by the City, to a combined total of twelve (12) work weeks of FMLA leave per year for the birth, placement or adoption of a child or to care for a parent with a serious health condition. This restriction does not apply to FMLA leave taken for other reasons.

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Notice and Verification Requirements for FMLA leave

A thirty (30) day notice of request for FMLA leave is required whenever the leave is foreseeable. If the leave is unexpected, notice must be given as early as possible (within one [1] – two [2] working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible). If the leave is due to an employee's own medical emergency, a family member or other adult may contact the employee's Supervisor/Department Head as soon as possible, if the employee is unable to do so. A form to request FMLA leave can be obtained from the company's Human Resources Information System (HRIS). If the dates of the anticipated leave change, an employee must notify the employee's Supervisor/Department Head of such changes as soon as practicable.

For FMLA leave, you will be required to submit verification for leave, such as medical certification for your own serious health condition or that of a family member, birth certificate, adoption papers, etc., as well as periodic recertification of medical status. The City may require you to periodically report on the status of your leave and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the City with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If the employee gives the City notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned. If your FMLA leave was due to your own serious medical condition, you may be required to provide verification from your health care provider upon your return to work that you are able to perform the essential functions of your position with or without specified reasonable accommodation.

Intermittent or Reduced Work Schedule Leave

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave because of an employee's own serious health condition, or to care for an employee's spouse, child or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the City's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the City may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

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Use of Paid and Unpaid Leave

FMLA provides eligible employees with up to 12 workweeks of unpaid leave. During FMLA leave, you will be required to use all of your accrued sick, personal and vacation leave at the start of FMLA leave. This also applies when an employee has not been with the City for 12 months and worked 1,250 hours provided the leave would have qualified as FMLA leave. The time period that is considered “paid” by accrued sick, personal or vacation leave will not increase the length of time of FMLA leave eligibility (e.g. twelve [12] week total time consisting of both paid and unpaid leave time). The remainder of the 12 workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements.

During FMLA leave, you will not receive holiday pay for any holidays that fall during the leave period. During FMLA leave, at the start of a calendar year, you will not be eligible to be credited for any sick, personal or vacation time for that year until such time as you return to active employment.

Designation of Leave

The City will notify the employee that leave has been designated as FMLA leave. The City may provisionally designate the employee's leave as FMLA leave if the City has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified the City of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the Department Head or central designated Human Resources person within 2 business days of the employee's return to work that the leave was for a FMLA reason.

Maintenance of Health Benefits

During FMLA leave, group health and life insurance benefits for the employee only will continue to be paid by the City, and any insurance benefits for family members other than the employee must be paid by the employee. The City paid insurance benefits will cease if the employee informs the City of the employee's intent not to return from leave, if the employee fails to return from leave, or if the leave expires pursuant to other leave policies of the City.

If the employee's payment of health insurance premiums is more than 30 days late, the City may discontinue health insurance coverage upon notice to the employee.

Return from FMLA Leave

Upon return from FMLA leave, the City will place the employee in the same position the employee held before the leave or an equivalent position with equivalent pay, benefits and other employment terms.

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Limitations on Reinstatement

An employee is entitled to reinstatement only if he would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

The City reserves the right to deny reinstatement to salaried, eligible employees who are among the highest paid 10 percent of the City's employees employed within 75 miles of the worksite ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the City's operations.

Failure to Return to Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. The City may recover health insurance premiums that the City paid on behalf of the employee during any unpaid FMLA leave except that the City's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the City may require the employee to provide medical certification of the employee's or the family member's serious health condition.

Donation and Transfer of Accumulated Leave

Sick leave maybe donated to the sick leave pool. In the event that additional sick leave is needed, employees may request hours. The sick leave request will be reviewed and voted on by all the department heads. Sick leave pool balance must not go negative.

Requirements of Sick Leave Pool

- Employees must have atleast 40 hours of sick leave
- Employees may receive up to the following number of sick leave
 - Donate 8 hours annually, may receive up to 80 hours
 - Donate 16 hours annually, may receive up to 120 hours

It is recommended if an employee terminates, that their sick leave balance get rolled over to the Sick Leave Pool.

Reinstatement after FMLA

Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.

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FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

As an eligible employee, you will be restored to your previous position or an equivalent one upon return from their FMLA leave with the same pay, benefits and other terms and conditions of employment unless your former position was eliminated due to a reduction in force, restructuring or other job elimination that was unrelated to their leave.

Those employees defined as “key employees” under the FMLA may be denied reinstatement at the City’s discretion and will be notified of such at the time leave is requested or as soon as a determination can be made by the City that reinstatement of such “key employee” will result in substantial and grievous economic injury to operations.

Sick Leave

Accrual of Sick Leave

Full-time employees earn sick leave at the rate of one (1) working day, or eight (8) hours per month, for each full month of continuous service with the City. Eligibility for sick leave begins at the time of employment. Credit for sick leave may be accumulated from year to year up to sixty (60) working days. Sick leave must be earned before it is used. Earned, unused sick leave credit is not paid upon termination of employment for any reason.

Notice and Verification Requirements for sick leave

In order to use sick leave, an employee must notify his Supervisor of his request as required by the attendance policy of the employee’s department. Absences of three (3) or more consecutive days must be documented by a physician’s statement and the dates that the employee was under the physician’s care. For absences lasting more than three days, you must contact the central Human Resources designee to determine whether you may qualify for FMLA. Employees must use sick leave for its intended purpose. Supervisors will monitor employee use of sick leave for indications of abuse. Abuse of paid sick leave may result in disciplinary action up to and including termination of employment.

LEAVE OF ABSENCE WITHOUT PAY

Should a situation arise that temporarily prevents an employee from working, he may be eligible for a personal Leave of Absence without pay. This leave may be available to employees who have not satisfied the 1,250 hour requirement under FMLA or have exhausted their FMLA leave and are in need of leave due to an FMLA qualifying event.

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Any request for a leave of absence without pay must be submitted in writing as far in advance as possible and it will be reviewed on a case-by-case basis by the employee's Department Head and the City Manager. The decision to approve or disapprove is based on the circumstances, the length of time requested, the employee's job performance and attendance and punctuality record, the reasons for the leave, the effect the employee's absence will have on the work in the department and the expectation that the employee will return to work when the leave expires.

Leaves of absence will be considered only after all vacation, sick and personal time has been exhausted. The duration of a leave of absence, if granted is based on the Department Head's recommendation to the City Manager and only after the City Manager's approval.

Continuing Benefit Plan Coverage

While on a personal unpaid leave of absence, employee's medical coverage will end on the last day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits for a maximum period of 18 months by paying the monthly premiums as required by COBRA legislation. Unemployment Insurance benefits cannot be collected while on a leave of absence without pay.

Salary Action

Any planned salary increase for an employee returning from an unpaid leave of absence without pay will be deferred by the length of the leave.

Vacation and Personal Time

During the calendar year that an employee takes an unpaid leave of absence without pay, the employee is not eligible for vacation. Unused vacation and personal days must be used before an unpaid leave of absence without pay will be granted.

Performance Appraisal

The normal performance appraisal date of an employee on an unpaid leave of absence without pay will be conducted in accordance with the City's performance appraisal schedule.

Returning/Not Returning From a Leave

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

An employee who returns to work following an unpaid leave will be considered as having continuous service. If an employee does not return from an unpaid leave of absence without pay, the

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termination date is the last day of the authorized leave period or the date the employee notifies his Supervisor he is not returning, whichever is sooner. Such employees may be considered for reemployment.

Bilingual Pay (Grandfathered)

Those employees currently receiving Bilingual Pay as of 02-23-2015 will continue with this benefit and are considered “Grandfathered” in the plan. This benefit will no longer be available to any employee not currently receiving the benefit or who are not considered “Grandfathered” in this benefit.

The “Grandfathered” employees have the following benefit: Bilingual Pay of \$300.00 per year will be paid to full-time employees who can demonstrate that they speak and understand a foreign language or can perform and interpret sign language for the deaf. Each Department Head will certify in writing to the City Manager the eligibility of their staff members.

Health, Dental & Vision Benefits

The City contracts for medical, hospitalization, prescription, dental and vision insurance benefits for all full-time employees, and others voted on by City Council, and pays premiums on such benefits for the employee only. Each employee is provided with manuals, coverage updates and claim forms for the insurance benefit program. Dependent coverage for health/hospitalization, prescription, dental and vision insurance plans are available to employees through payroll deductions. Open enrollment for dependent coverage is each September. The City abides by the Federal COBRA requirements and compliance.

Life Insurance

Full-time employees eligible to participate in group hospitalization coverage are provided life insurance coverage of one times the employee’s annual salary, with a minimum of \$30,000.00. Police Officers will have coverage in the amount of \$100,000.00.

Retirement

All full-time employees become part of the Retirement System on the 1st day of employment. The employee's contribution to this system is 6% of gross pay. The City's contribution will be as prescribed by the Texas Municipal Retirement System.

The Municipal Finance Officer or central Human Resources designee will furnish each employee a separate manual explaining the retirement benefits.

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Restricted Prior Service Credit

Under the Act governing the Texas Municipal Retirement System, employees who are members of the System are authorized and allowed restricted prior service credit for service previously performed for various other public entities for which they have not received credited service.

The service credit granted may be used only to satisfy length-of-service requirements for retirement eligibility, has no monetary value in computing the annuity payments allowable to the member, and may not be used in other computations, including computation of Updated Service Credits.

A member seeking to establish restricted prior service credit under this policy must take the action required under Section 853.305 of Subtitle G of Title 8, Texas Government Code while still an employee of Windcrest.

A copy of the application for Restricted Prior Service Credit is located in the Forms Index of this manual.

WORKERS' COMPENSATION

Industrial injury or occupational illness (as defined by Workers' Compensation Laws) is covered by Workers' Compensation Insurance in lieu of the group health insurance policy. The Compensation Insurance will pay all medical expenses for properly reported on the job injuries and under certain circumstances, disability pay. Texas Workers' Compensation Fund is the sole source of disability pay. Workers' Compensation premiums are paid by the City. The maximum leave time for industrial injury or occupational illnesses will be the same as any other leave – please refer to the Benefits section.

An employee injured on the job or that has an illness caused by work, should stop working and report the condition to his Supervisor immediately. The Employer's First Report of Injury or Illness Form, which is located on the city's Human Resources Information System (HRIS) must be completed and turned into the TML WC Office by the Supervisor. Failure to do so may disqualify an employee from benefits. An employee may go for medical treatment with the consent of his Supervisor. The Supervisor and employee must inform the Human Resource office immediately. An employee who has an industrial injury or occupational illness is required to provide a release from the treating physician stating the employee's ability to return to the current duties as well as any restrictions. Failure to report to work as scheduled, following a leave, may result in dismissal.

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ON THE JOB ABSENTEEISM AND TARDINESS

Because the City depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled work days and during all scheduled work hours and to report to work on time. Moreover, an employee must notify his Supervisor as far in advance as possible, but not later than one hour before his scheduled starting time if he expects to be late or absent. This policy applies for each day of his absence. An employee who fails to contact his immediate Supervisor may be subject to disciplinary action. A careful record of absenteeism and lateness is kept by the employee's Supervisor and becomes part of the personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement, pay increases and may result in dismissal.

An employee will request from his Department Head/Supervisor permission to be absent as far in advance as possible, whenever such advance notice is feasible. The Supervisor will evaluate the reason for the absence and decide if the employee may be excused.

Personal or Family Emergency or Illness

If an employee is unable to give advance notice, his Supervisor must be notified as soon as possible on the day of absence, but no later than the second hour of the work day.

Out-of-town Emergency

If out of town and out of funds, an employee may call "collect" and notify their appropriate Department Head/Supervisor of the absence, the nature of the emergency and the time of expected return to duty. Department Head/Supervisor will make notification to the City Manager. All unexcused absences will be without pay.

Unexcused Absence

An employee must notify his Department Head/Supervisor prior to absences or in case of emergency as soon as possible, otherwise the absence is classified as an unexcused absence. An employee who fails to notify his Department Head/Supervisor and is absent for at least two (2) consecutive days is considered to have resigned his position as job abandonment. Excessive absenteeism is reason for disciplinary action up to and including discharge. All unexcused absences will be without pay.

Tardiness

Unless excused by an employee's Department Head or Supervisor, an employee is to report for duty on time, at the beginning of their scheduled shift and after meal breaks. Excessive tardiness is reason for disciplinary action up to and including discharge and lessens employee's chance of receiving merit pay increases

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Failure to Return to Work

Failure to return to work from any leave, as scheduled, may result in dismissal.

POLICY ON ALCOHOL, DRUGS AND CONTROLLED SUBSTANCES

To ensure a safe, productive work environment at all City facilities and to safeguard City property, the City strictly prohibits the use, sale, purchase, transfer, receipt, or possession of alcohol, drugs, or controlled substances on any City premises by City employees or City volunteers while on duty or on call, except in the course of performing official law enforcement duties or unless the event is otherwise authorized by the City Manager. The City Manager's authority extends only to the consumption of alcohol at authorized functions. An employee that attends an authorized function where alcohol is present and consumes alcohol is responsible not to become impaired as a result of their consumption. City vehicles as well as private vehicles parked on City premises are locations included within this prohibition. In addition, the City strictly prohibits any employee being at work under the influence of alcohol, drugs, or controlled substances. Any employee found in violation of the above stated policy will be discharged upon the first offense.

Every City Employee will be required to complete an Employee Consent to Search or Testing Form before assuming employment with the City of Windcrest. *(This Form can be found in the Form Index at the end of this document.)*

Any employee taking a legal drug or other medication, whether or not prescribed by the employee's physician for a medical condition, which is known or advertised as possibly affecting or impairing judgment, coordination, or other senses, or which may adversely affect their ability to perform work in a safe and productive manner, must notify his superior or other management official prior to starting work. Employees do not need to report the medications they are taking, but rather the potential effects of the medication on the employee's judgment, coordination or other senses or which may adversely affect the employee's ability to perform work in a safe and productive manner. The Supervisor or management official will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary. Any employee violating this policy will be subject to discharge upon the first offense.

The City reserves the right to conduct searches, inspections, or tests of employees and their personal effects, lockers, purses, and other containers located on City premises, as well as employees' private vehicles, if parked on the City's premises. Entry onto the City's premises or work sites constitutes consent to searches or inspections. If an employee refuses to permit a search, the employee may be disciplined up to and including discharge. The purpose for such searches or inspections under this policy is to determine whether any employee is in possession of or under the influence of alcohol, drugs, or controlled substances. Searches or inspections may be conducted at the discretion of the City from time to time without prior announcement. When appropriate, items discovered as a result

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of the City's searches or inspections may be taken into custody and may be turned over to the proper law enforcement authorities.

Blood and/or urine samples or other medical tests may be required of employees and screened by a laboratory for the presence of alcohol, drugs, and controlled substances. Such tests may be required among groups of employees on a random selection basis, or on an individual basis whenever the employee's observed behavior or other evidence raises any question about the employee's physical condition or fitness to perform his job. Any employee who refuses to submit to a search or inspection, refuses to give a blood or urine sample, or is found in possession of or under the influence of alcohol, drugs, or controlled substances will be discharged upon the first offense. In every case when an employee is involved in an accident while operating a City vehicle or piece of heavy equipment, they will be required to submit to a blood and/or urine test to be screened by a laboratory for the presence of alcohol, drugs, and controlled substances in their person. In the event the employee is injured and is transported to an emergency hospital, the test will be completed at the hospital. If an employee is not injured or has sustained only minor injuries, the employee will be transported to Nova Source Medical by a Supervisor to complete testing. After normal hours or on weekends or holidays, a Supervisor will contact the after hour's number for Nova Source Medical to arrange for testing.

Within the meaning of this policy, "under the influence" is defined as being in a physical or mental condition rendering the individual unable to perform one or more job duties in a productive manner without risk to the safety and well-being of the individual, other employees, the public, or City property, due to the introduction of any substance into the body; and/or having an alcohol concentration in the individual's system of 0.04% or more; and/or having any detectable level, in excess of a trace, for drugs or controlled substances in the body. A "detectable level" for the use of marijuana is at least 50 nanograms per milliliter. A "controlled substance" is defined as any substance, chemical or agent, the use, possession, or sale of which, without a valid doctor's prescription, has been declared illegal by state or federal law. Any employee found in possession of alcohol or marijuana in a usable quantity or of any other drug or controlled substance in any quantity while on duty or on City premises shall be presumed to have intended to use or sell such substance while on duty or on City premises and is therefore in violation of above stated policy and will be discharged.

SERVICE TO THE PUBLIC

On a day-to-day basis, citizens base their opinion of the City of Windcrest on the actions of City employees. Over the years the City has developed a code of personal conduct the City thinks will help maintain a reputation for good city government.

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CODE OF PERSONAL CONDUCT

1. Remember that we are here to serve the citizens of the City of Windcrest.
2. Our responsibility is to provide fair, efficient service in a courteous manner.
3. Be a good and sincere listener; our visitors and callers want us to understand and care about their problems.
4. Learn all about the activities of the City and try to help others get their problems solved in the most efficient manner, even if the problem must be referred to another employee or department.
5. Write down all of the information you will need to complete a task for a citizen, including the date and time of a call or request and the telephone number or address where the person can be contacted, if possible.
6. Fulfill all obligations you make. If you cannot complete an obligation as anticipated, get back in touch and explain the circumstances.
7. Respect the dignity of every individual; try honestly and sincerely to see the other person's point of view; speak kindly to and of others; avoid arguments; and be friendly.
8. Be punctual in your work and for appointments.
9. Make suggestions to your immediate Supervisor about ways we can improve our services to the citizens of Windcrest or can get our work done in a more efficient manner.
10. Dress and appearance must be appropriate to our job. Expensive clothes are not necessary, but a neat, professional appearance is important.
11. City employees are trustees of public funds---conserve city money, time, and equipment as if it were your own.

Finally, public service requires that we not only obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.

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DRESS AND PERSONAL APPEARANCE

All City employees from time to time have contact with citizens and the general public; therefore, suitable dress and personal hygiene must be observed at all times. All City employees are issued a photo identification tag which is to be worn at all times the employee is performing official duties for the City or on City premises.

Suitable dress is a prime requirement for safe and efficient work. The type of dress required depends on the location and nature of work performed. As a general rule, the following guidelines are to be followed:

Public Works Employees

1. Uniforms
 - a. The City provides uniforms, including caps and patches, which provide proper public identification for City employees. These uniforms are the property of the City of Windcrest and should be worn at all times when on duty within or for the City. Wearing of clothing other than City provided uniforms; patches and caps must be approved in advance by the employee's Supervisor or Department Head.
 - b. Employees must properly care for these uniforms, patches and caps. Should they become unsuitable for use, they should be returned to the employee's Supervisor for replacement with suitable attire.
 - c. Wearing of City uniforms, patches or caps after hours, or when not assigned to official City responsibilities, is not permitted unless approved by the Supervisor.
2. Employees are to be clean shaven at all times while on duty unless they are wearing a mustache or beard. If a mustache or beard is worn, it must be kept clean, trimmed and neat while representing the City.
3. Hair must be appropriate for public exposure and not a safety hazard as determined by the Supervisor.
4. All safety equipment, protective clothing and foot apparel, such as hard hats, gloves, eye protection, hearing protection, safety toe foot apparel, etc., issued by the City or required by the City must be properly worn and used. If any such equipment becomes defective, it must be returned to the employee's Supervisor.

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Police Department

Governed by Police Department Policy and Procedure.

Fire Department

Governed by Fire Department Policy and Procedure.

Administrative Personnel

General office apparel suited for contact with the public is required. The following items are not authorized: shorts, halter tops, tank tops, or short hemlines. Career shorts are authorized attire. Career shorts are shorts that are knee length and are of a material that are consistent with slacks commonly worn in a professional environment. With authority of their respective Department Head, an employee can wear jeans (provided they are not of an overly faded nature and do not have any holes or fraying), tennis shoes, t-shirts (provided they do not have any unprofessional logos or designs) and flip flops with a rubber sole on special occasions only. Hair, makeup and jewelry must be appropriate for public exposure. Male and female employees must keep hair properly groomed.

PREFERENTIAL TREATMENT PROHIBITIONS

No person related within the second degree of kinship (i.e. in-laws), or within the third degree of relationship by blood to any elected officer of the City, or to the City Manager, may be appointed to any office or position, or other service to the City. See also the [***Ethics Policy***](#) (located in the document center)

VIOLENCE IN THE WORKPLACE

The City strongly believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. Any instances of violence must be reported to the employee's Department Head and/or the City Manager. All complaints will be fully investigated.

The City will promptly respond to any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including immediate discharge.

PROHIBITION AGAINST WEAPONS OR THREATS AND NOTICE OF SEARCHES

The City prohibits possession or use of weapons, including firearms, on City premises, City vehicles, as well as private vehicles parked on City premises, are locations included in this prohibition. This prohibition includes all employees with the exception of those required to carry weapons as a function of his job. In accordance with Texas law, employers retain the legal right to prohibit weapons in the workplace.

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Any employee who violates this policy is subject to disciplinary action, including termination of employment. Due to the serious nature of this offense, an employee will be terminated unless extraordinary circumstances warrant a lesser punishment. Employees, who are aware of violations, must report such violations of this policy. Failure to report a violation is prohibited, and any employee who fails to make such a report is subject to disciplinary action, including termination of employment. See the City's Gun Policy (*located in the document center*)

WORKING ENVIRONMENT

Fire Hazards

Fire hazards shall not be created or maintained within the maintenance building, offices, recreational building area or the material storage yard.

Fire Extinguishers and Fire Equipment

Fire extinguishers and equipment shall be maintained in good order, placed in designated areas, and kept clear of obstructions at all times.

Smoking

Smoking and smokeless tobacco is prohibited in all City owned facilities and City owned vehicles. Smoking and smokeless tobacco will be permitted only in specific areas designated by the City Manager or his designee. Smoking is also prohibited by City employees while operating gas pumps or while engaging in any other activity where a fire or explosion could result.

Flammable Materials

Flammable materials, including explosives, shall be stored in a safe, designated area.

Flammable Refuse and Waste

Flammable refuse and waste shall be placed in safe, designated containers.

Other Refuse and Waste

Other refuse and waste shall be placed in appropriate containers, provided for that purpose.

Work Areas

Work areas shall be kept clean and sanitary.

PROPERTY ISSUED BY CITY

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All City provided property, such as supplies, uniforms, equipment, automobiles and materials necessary to perform your job, must be used solely for the City's business. Employees are expected to exercise care in the use of all City equipment and property and use such property only for authorized purposes. Loss, damages or theft of City property should be reported at once to the employee's immediate Supervisor. Negligence in the care and use of City property may be considered grounds for discipline, up to and including termination.

USE OF CITY VEHICLES

Only employees with an unrestricted, current driver's license may operate City vehicles or use a vehicle to conduct City business. City vehicles may only be used for authorized City business. Any employee operating a City vehicle must do so in a safe manner. Any employee operating a City vehicle under the influence of drugs or alcohol or in an unsafe or negligent manner will be immediately terminated. The City has the right to search any City vehicle at any time. Therefore, employees have no reasonable expectation of privacy with respect to City vehicles. See also City-Owned Cellular Phones policy located in the document center

OPEN DOOR POLICY

The City promotes an atmosphere whereby employees can talk freely with members of the management staff. Employees are encouraged to openly discuss with their immediate Supervisor any problems so appropriate action may be taken. If the immediate Supervisor cannot be of assistance, the employee should follow their chain of command for their respective department for resolution. If these avenues do not resolve the issue the City Manager is available for consultation and guidance. The City is interested in all of our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible.

GRIEVANCE PROCEDURE

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

As a general rule, problems can be resolved either informally or formally at some level of supervision within the normal administrative structure. **Filing a formal grievance guidelines can be found in the document center.**

Generally, a written decision will be submitted by the City Manager within five (5) full working days, following receipt of the grievance. At times, full review of the grievance may require a longer period of time. The City Manager will review prior decisions, supporting information and any

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necessary investigation will be done. A copy of the decision shall be furnished by the City Manager to the immediate Supervisor.

SOLICITATION, DISTRIBUTIONS, AND USE OF BULLETIN BOARDS

For the protection of employees and to avoid disruptions of the City's work schedule, solicitation of employees by non-employees for any charitable or commercial purpose, and the promotion, distribution, or circulation of pamphlets, literature, or any other material on City premises is prohibited without prior approval of the Department Head.

Sales of commercial products (i.e.: Amway, Mary Kay?) and services and the distribution of advertising matter, circulars, leaflets or petitions in connection with commercial products or services are strictly prohibited at all times on City premises.

The posting of any leaflets, notices, literature, or other material on City property without the permission of the City Manager is strictly prohibited.

With approval of their respective Department Head, employees may solicit other employees to participate in charitable, religious, school, civic or social club fundraisers.

Any employee who violates any of the above rules will be subject to disciplinary action, up to and including discharge.—check with Legal Advisor

Bulletin Boards

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

- Notices containing matters directly concerning City business;
- Announcements of a business nature which are equally applicable and of interest to employees.

All posted material must have authorization from each department's Department Head. All employees are expected to check these bulletin boards periodically for new and/or updated information and to follow the rules set forth in all posted notices. Employees are not to remove material from the bulletin boards.

USE OF THE CITY'S COMPUTER SYSTEMS

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City owned technology resources may be used for personal purposes on a limited basis, subject to the advance approval of an employee's supervisor or department head, providing the following requirements are met:

- No marginal cost to the City
- No interference with work responsibilities

No disruption to the workplace, such as music or videos played at a sound level which bothers other employees. Employees should have no expectation of privacy as it relates to the use of the Systems. The City's management reserves the right at any time to enter the Systems to review, copy, or delete any information or messages on the Systems, and to disclose such messages to others as warranted by the business needs and interests of the City. Private passwords are intended to protect the security of the Systems for the City, not the employee. Thus, the employee should not assume that messages are private even though a private password is used.

Caution should be exercised in transmitting any information through e-mail or other on-line services. Reasonable efforts should be made to protect the security of such information, especially if the information contains confidential or proprietary information regarding the City or its clients. For example, do not forward confidential information via e-mail outside the City or even to City employees.

The City's policies against harassment or unprofessional conduct apply to all uses of the Systems, including messages sent by e-mail. These messages should be business-like, and the employee should refrain from using the e-mail system for gossip and personal messages. Likewise, e-mail should not be profane, vulgar, defamatory, sexually explicit or harassing. Remember, just because the employee deletes a message does not mean it has been deleted from the Systems. Please consider the professionalism of the City and observe proper etiquette when sending an e-mail message. Remember, that simply because the employee believes something is clearly sarcastic or exaggerated does not mean it will be clear to others who, intentionally or unintentionally, receive the message.

Additionally, employees should restrict their use of on-line services to a use that is consistent with the professionalism, business and policies of the City. Employees should be aware that use of on-line services can be monitored by the City at any time, including after the service has been used.

The Information Technology (IT) Consultant or the Municipal Finance Officer is designated by the City Manager and is responsible for maintaining and securing the City's Computer Systems and Data.

No employee is authorized to add or remove computer programs or alter computer hardware from any City computer system without written authorization from the IT Manager.

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If it is discovered that an employee is improperly using the City's Systems or otherwise violating this policy, the employee may be subject to discipline, including without limitation, termination of privileges to use the Systems, or termination of employment.

INTERNET USE POLICY

Certain employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, e-mail can provide excellent means of communicating with other employees, our customers and clients, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment.

If you abuse your right to use the Internet, it will be taken away from you. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

Your use of the Internet is governed by this policy and the above Policy.

Disclaimer of Liability for Use of Internet

The City is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

Duty Not to Waste Computer Resources

Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic.

No Expectation of Privacy

The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system.

Monitoring Computer Usage

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The City has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

Blocking of Inappropriate Content

The City may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by City networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to City blocking software.

Prohibited Activities

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law), or violation of the City's equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in the City's computers. Employees encountering or receiving this kind of material should immediately report the incident to their Supervisors or the Municipal Finance Officer. The City's equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline up to and including discharge.

Games and Entertainment Software

Employees may not use the City's Internet connection to download games or other entertainment software, including wallpaper and screen savers, or to play games over the Internet.

Illegal Copying

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the IT Department.

Accessing the Internet

To ensure security and to avoid the spread of viruses, employees accessing the Internet through a computer attached to the City's network must do so through an approved Internet firewall. Accessing the Internet directly by modem is strictly prohibited unless the computer you are using is not connected to the City's network.

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Virus Detection

Files obtained from sources outside the City, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail; and files provided by customers or vendors may contain dangerous computer viruses that may damage the City's computer network. If you suspect that a virus has been introduced into the City's network, notify your immediate supervisor or the IT Department immediately.

Sending Unsolicited E-mail (spamming)

Without the express permission of their Supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

Amendments and Revisions

This policy may be amended or revised from time to time as the need arises. Users will be provided with copies of all amendments and revisions.

Violations of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

Use of the Internet via the City's computer system constitutes consent by the user to all of the terms and conditions of this policy.

Telephone Use

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

Although the City realizes that there are times when an employee may need to use the telephone for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such calls. Additionally, no long distance personal calls may be made on City phones without prior approval from the employee's Supervisor.

USE OF SOCIAL NETWORKING COMMUNICATIONS

Blogging, "tweeting", e-mail, texting, and other social media such Facebook are also subject to restrictions. You may not use company property to create, maintain, amend, view, access, download, contribute to, or store a blog, "tweet" or post entries on the Internet (whether through a social network such as MySpace or Facebook, or using another method), unless you have written authorization from your Supervisor to do so. You may not blog, "tweet" or post entries on the Internet (whether through a social network such as MySpace or Facebook, or using another method) while using city property and equipment, unless you have written authorization from your

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Supervisor to do so. The Company has access to all company-provided electronic equipment and property, and may from time to time, and without notice inspect the condition of that equipment and the communications, content, data and imagery stored on it. If you access, view, create, or save any communications, content, data or imagery in company-provided digital equipment, you have no privacy rights as to it and any such communications, content, data, and imagery are subject to monitoring by the Company. You must cooperate in such monitoring.

INTERNAL INVESTIGATIONS AND SEARCHES

From time to time, the City may conduct internal investigations pertaining to security, auditing or work-related matters. Employees are required to cooperate fully with and assist in these investigations if requested to do so.

Whenever necessary, in the City's discretion, work areas (i.e., desks, file cabinets, etc.) and personal belongings (i.e., brief cases, handbags, etc.) may be subject to a search without notice. Employees are required to cooperate.

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

REFERENCE CHECKS

All inquiries regarding a current or former City employee must be referred to the to the specific Department Head of the current or former employee's department.

Should an employee receive a written request for a reference, he should refer the request to the Department Head for handling. No City employee may issue a reference letter to any current or former employee without the permission of the Department Head.

Under no circumstances should any City employee release any information about any current or former City employee over the telephone. All telephone inquiries regarding any current or former employee of the City must be referred to the Department Head.

In response to an outside request for information regarding a current or former City employee, the Department Head will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former City employee, or his employment with the City, will be furnished unless the employee authorizes the City to furnish this information in a writing that also releases the City from liability in connection with the furnishing of this information or the City is required by law to furnish any information.

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All inquiries for reference or outside request for information regarding Department Heads must be referred to the City Manager or his designee.

TAPE RECORDING POLICY

It is a violation of City policy to record conversations with a tape recorder or other recording device unless prior approval is received from your Supervisor or a member of upper-level management or all parties to the conversation give their consent.

Violation of this policy will result in disciplinary action, up to and including immediate termination.

This policy does not pertain to police department personnel in their normal course of performing their duties as a police officer.

INEFFICIENCY PROCEDURE

When it is determined by management that an employee's overall performance or efficiency does not meet established and acceptable standards, the following procedures will generally be used (unless the employee's conduct or a specific incident is so unacceptable that immediate termination or other appropriate measures are necessary):

1. The Department Head/Supervisor will counsel with the employee regarding any problems that are affecting or interfering with the employee's efficiency or performance, or with respect to the circumstances that are adversely affecting his performance. The employee will be advised of his shortcoming and will be given counseling and instruction as to the proper performance that is expected of him.
2. Should the level of efficiency or performance continue to be unacceptable, the employee will again be counseled by the Supervisor, and all matters discussed in the prior counseling session shall be reviewed. The employee will be given a written warning and advised that if he does not correct his deficiencies within a specified period of time, he will be placed on suspension.
3. Should the employee fail to correct his deficiencies and improve the level of his performance and efficiency within the time period specified in Step 2, the employee shall be suspended without pay for a period of time to be determined by the respective Department Head/Supervisor. The employee shall be advised that if he does not correct his deficiencies within a second specified period of time, he will be discharged. The suspension shall be given to the employee in writing and shall constitute a final warning.

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4. Should the employee fail to correct his deficiencies and improve the level of his performance specified in Step 3, he shall be discharged.

A written record will be kept of every instance requiring activation of any of the above procedures (steps). The record will include the allegation/infraction, actions taken by the Supervisor, the remedy of the problem, items discussed and any agreements made during counseling sessions, and all pertinent dates. The records shall be signed and dated by both the employee and his Supervisor.

The foregoing procedure is intended to exhaust every possibility of correcting employees who are experiencing problems in their job performance or efficiency and to afford these employees the opportunity to improve their employment deficiencies.

In case of discharge, the discharged employee may initiate an appeal concerning his discharge as outlined in the Grievance Procedure of this Manual.

In the event of dismissal for misconduct, all benefits end at the end of the month. COBRA may not be available to anyone dismissed from the City for gross misconduct.

DISCIPLINARY ACTION

For employee guidance, the following is a list of actions, however is not all inclusive, which are considered against the best interest of the City and its employees. Such actions are subject to discipline and, under certain circumstances, discharge:

1. Theft, abuse, or deliberate destruction or defacing of property not belonging to the employee.
2. Misappropriating City funds, property, or assets.
3. Incoherent or abnormal behavior in work areas or during working hours, which suggests that the employee's physical and/or mental faculties are seriously impaired by consumption of alcohol, narcotics, or any mind-altering agent, chemical, or drug.
4. Attempting to coerce an employee to join or resign from an employee association or organization by means of threats, intimidation, or abusive conduct.
5. Falsification of any City records, such as employment applications, time entries, expense reports, any official record used during the course of performing assigned responsibilities, or reason for an employee's absence from work.

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6. Discourteous or abusive conduct toward the public.
7. Revealing, without authorization, confidential information obtained in the course of employment, including information about City plans or records.
8. Fighting or gambling in any form on City premises.
9. Knowingly completing another employee's time entry or time entries without authorization from Supervisor/Department Head.
10. Tampering with or using fire equipment for purposes other than fire suppression, without notifying the Fire Department Chief or Officer in charge for approval.
11. Commission of any crime while on duty, on City premises, or through use of City vehicles or equipment.
12. Possession of weapons or explosive materials on City premises or in vehicles except as required by the job.
13. Violation of City rules on acceptance of any form of gratuity.
14. Insubordination. Definition: refusal or deliberate failure to follow a reasonable, specific instruction of, or abusive conduct toward, a Supervisor in chain of command. Unless the instruction is unethical or illegal, the employee is expected to follow instructions received by Supervisory/Managerial personnel. If the employee believes the instruction is inappropriate, the employee has the right to discuss this incident with next higher level of supervision to include the City Manager.
15. Violation of the City's Anti-Harassment Policy.
16. Leaving work during working hours without the permission of the immediate Supervisor.
17. Carelessness or negligence which results in the destruction or damage of property not belonging to the employee, or endangers life or property.
18. Violation of the City's rules governing solicitation and distributions.

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19. Participation in horseplay or practical jokes which could endanger life or property or materially affect the work, or disorderly conduct of any kind while on City premises or during working hours, including the use of abusive, profane, or threatening language.
20. Careless or inefficient performance of duties, including failure to maintain proper standards of work performance.
21. Malicious gossip or false accusation, which tends to destroy friendly relations between the City and its employees or between employees.
22. Failure or refusal to cooperate with fellow workers.
23. Operation of City vehicles without possession of valid and/or proper operator's license, failure to maintain satisfactory driving record, or not on official business.
24. Personal calls are to be done during breaks or lunch periods, except for emergency or short necessary discussions. No Personal Calls unless emergency
- 25. The use of cell phones is prohibited except for emergency or necessary calls of the shortest possible nature. All personal cell phones will be placed on vibrate mode while the employee is on duty. City issued cell phones should, when practical, also be placed on vibrate mode. See also City-Owned Cell Phone Policy (located in the document center).**
26. Tardiness; reporting late for work without approval of Department Head.

An employee who receives a written warning will be required to acknowledge receipt of the warning immediately by signing the warning. Any employee who refuses to sign a written warning may be subject to further discipline for insubordination at the discretion of management. The employee's signature on a warning does not mean that the employee admits to any wrongdoing -- it only indicates that he has been notified.

It is not possible to list all rules of conduct. As far as possible, the City tries to avoid unnecessary restrictions on employee's personal conduct because the City believes that the employee will follow the generally accepted customs of good taste. In the event of a violation of a rule, fair and just consideration will be given to all of the circumstances, disciplinary considerations, up to and including termination.

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Depending on the violation and its severity the following may apply with regards to the level of discipline and time period in which the documentation pertaining to the infraction committed and discipline taken will remain in an employee's personnel file:

1. First occurrence will be cause for a Supervisor counseling which may include corrective advice, training or warning. Documentation will be placed in the personnel file detailing the counseling session. Multiple issues within the same rolling twelve (12) months may lead to termination.
2. Second occurrence will be cause for a Supervisor reprimand, either oral or written, with documentation placed in the personnel file. Should a rolling eighteen (18) months pass with no recurrence of the incident which precipitated the reprimand, and the member has not been counseled or disciplined for other Policy violations, the record of reprimand will stay in the employee's personnel file.
3. Third occurrence will be cause for a one day suspension without pay, with documentation placed in the personnel file.
4. Fourth occurrence will be cause for a three day suspension without pay, with documentation placed in the personnel file.
5. Fifth occurrence will be cause for fifteen (15) days suspension without pay, as well as a review by the City Manager and Department Head as to possible dismissal, with documentation placed in the personnel file.

EXPENDITURES AND REIMBURSEMENTS

It is the policy of the City to reimburse employees for out of pocket expenses incurred by the employee as a result of their participation in an authorized event. Employees will not be reimbursed for expenses made without prior approval from their Department Head or City Manager. When a personal vehicle is used for travel outside the City, mileage will be paid at the current State of Texas Travel Rates established by the State Comptroller's Office.

LOCAL GOVERNMENT RECORDS

This policy establishes a process for the accountability of Local Government Records. A Local Government Record means any electronic or digital document, paper, letter, book, map, photograph, word or video recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or

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received by a local government or any of its officers or employees pursuant to laws, including an ordinance, or in the transaction of City business.

Local Government Records are the property of the City; therefore City personnel are prohibited from reproducing or maintaining copies of any Local Government Record for any reason other than in the performance of their official duties. City personnel requesting a Local Government Record for any reason outside of their official duty will be required to comply with the Open Records Act.

HUMAN RESOURCES

The Municipal Finance Officer is the central Human Resources designee for the City.

The City Manager must approve all new hires and promotions recommended by Department Heads. Before an applicant is hired, the Department Head will meet with the Municipal Finance Officer to discuss the applicant. The Municipal Finance Officer will then discuss the applicant with the City Manager. All new hires will be scheduled for a pre-employment briefing and benefits sign-up with the Municipal Finance Officer on or before their first workday.

Reclassification or Establishment Of New Positions

Any requirement to reclassify a position or to establish a new position must be developed to include a job description and salary range be fully justified and submitted to the City Manager for his approval by the requesting Department Head. These positions may not be filled until approved by the City Council and in accordance with current budget allowances and guidance.

SEPARATION

Dismissal

Any employee terminated by the City of Windcrest will have his salary computed to his termination date and paid on the next regular pay date. An employee being dismissed from employment by the City of Windcrest will, under no circumstances, be eligible to receive any monies upon this involuntary termination from employment except those sums of money constituting wages paid for actual hours worked, unused vacation hours and other authorized accruals. Accumulated but unused sick leave pay will not be available to the dismissed employee.

Every City employee has the status of "employee-at-will," meaning that no one has a contractual right, express or implied, to remain in the City's employ. The City may terminate an employee's employment, or an employee may terminate his employment, without cause, and with or without notice, at any time for any reason. No Supervisor or other representative of the City (except the City

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Manager) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

Resignations

Any employee planning to leave the employment of the City of Windcrest is asked to give his respective Department Head/Supervisor proper two weeks advance written notice and work out that notice so a replacement may be recruited and trained to fill the position. Supervisors and Department Heads are asked to give one month advance written notice. Employees who turn in their notice of intent to terminate while on vacation or who do not work out their notice for any reason will not be considered to have given proper notice. Employees who voluntarily resign will be paid for any unused accrued vacation time but will not be paid for any unused sick leave. Each resigning employee is asked to hold an exit interview with the Municipal Finance Officer before leaving.

WRITTEN WARNINGS

The Supervisor should discuss the problem and present a written warning to the employee in the presence of the Department Head. This should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and include any additional comments of their own before signing it. A record of the discussion and the employee's comments should be placed in the employee personnel file.

Employees who have had formal written warnings are not eligible for salary increases, bonus awards, promotions or transfers during the warning period, which is listed on their disciplinary documentation.

POST RESIGNATION/TERMINATION PROCEDURES

Exit Interview

Department Heads are responsible for scheduling an exit interview with a terminating employee on the employee's last day of employment and for arranging the return of City property including:

- Computer (s)
- Picture Identification Card
- Key (s)
- City-issued credit card (s)
- City manuals/documents
- Uniforms (if applicable)
- Cell phone (s)
- Key fob (s)
- Any additional City-owned or issued property

Benefits

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Medical benefits end on the last day of the month in which your last day of employment falls. Vision, dental and life end on the last day worked. An employee, unless dismissed for gross misconduct, has the option to convert to individual life insurance, and/or to continue Medical/Dental/Vision Benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations.

Final Paycheck

If an employee terminates their employment with the City they must return all City equipment, including, but not limited to, office keys, cell phone, computer, credit cards, etc. The final paycheck will be mailed during the next normal pay period if receiving a hard check. If the employee receives direct deposit, then the final check will be issued in the same direct deposit process.

Failure to return ALL city property can result in the City holding your final paycheck. Failure to return issued equipment may result in theft charges being filed against the employee. City-authorized cell phone service will be terminated.

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Forms Index

The following forms can be downloaded from the City's Human Resources Information System (HRIS)

NEED LOCATIONS LISTED HERE TOO

Texas Government Code Title 6 – (Immunization and Vaccination Policy)

Harassment Policy

American Disabilities Act

Request for Accommodation Procedure

Ethics Policy - NEED

Gun Policy

Filing Formal Grievance Procedure

Donation of Sick Leave Policy

Sick Leave Request Form

Cell Phone Policy - NEED

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EMPLOYEE CONSENT TO SEARCH OR TESTING

Instructions to Employee: Read paragraphs 1, 2 and 3 below. Circle the word “GRANT” or “REFUSE” in the three sentences at the end, and then sign and date this form in the space provided.

It states circle one

1. I hereby give my voluntary consent for a representative (Supervisor) of the City of Windcrest to search my person, personal effects, vehicle, and other property located on the City of Windcrest premises at anytime while I am employed by the city. I understand that my refusal to permit such searches will likely result in the termination of my employment by the city.
2. I hereby give my voluntary consent for a representative (Supervisor) of the City of Windcrest to collect a urine specimen from me for testing for alcohol, drugs, and controlled substances. I understand that if I am taking or have recently taken any prescription drugs or medication, I should notify the laboratory attendant or authorized representative who collects the specimen for testing. I hereby authorize the laboratory or facility conducting this test to disclose the results of the test to the City of Windcrest for use in determining the future status of my employment, and I further agree that such test results shall be admissible into evidence at any proceeding in which disciplinary action taken against me for using, selling, buying, transferring, receiving, possessing, or being under the influence of alcohol, drugs, or controlled substances is placed in issue.
3. I hereby release the City of Windcrest, its agents, employees and officers, from any and all liability which may result from my participation in a drug test or which may result from the disclosure of the results of my drug test, or a search of my person or belongings, including but not be limited to, any claim related to negligence, invasion of privacy, assault, battery, intentional infliction of emotional distress, false imprisonment, or defamation, including libel, slander or compelled self-defamation.

I UNDERSTAND THAT MY REFUSAL TO GIVE SUCH CONSENT MAY RESULT IN THE TERMINATION OF EMPLOYMENT. _____ initial

I HEREBY (CIRCLE ONE) **GRANT/REFUSE** MY CONSENT TO THE SEARCH(ES) AS STATED IN PARAGRAPH 1.

I HEREBY (CIRCLE ONE) **GRANT/REFUSE** MY CONSENT TO THE TESTING AND DISCLOSURES AS STATED IN PARAGRAPH 2.

I HEREBY (CIRCLE ONE) **GRANT/REFUSE** MY CONSENT TO THE RELEASE OF LIABILITY AS STATED IN PARAGRAPH 3.

Employee’s Signature

Date

Employee’s Printed Name

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LEAVE DONATION FORM

I, _____, do hereby authorize the Payroll Department to deduct the hours shown from my Sick Leave and/or Vacation time records, and transfer those hours to the account of _____.

Sick Leave, hours donated _____

Vacation Leave, hours donated _____

(Donor signature) (Date)

(Recipient signature) (Date)

(Department Head signature) (Date)

(City Manager signature) (Date)

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Hepatitis B Vaccine Declination

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring the Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to me. However, I decline the Hepatitis B vaccination at this time.

I understand that by declining this vaccine, I continue to be at risk of acquiring the serious disease Hepatitis B.

If, in the future, I continue to experience occupational exposure to blood or other potentially infectious materials and I wish to be vaccinated with the Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Signature

Date

Responsible Person Signature

Date

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**TEXAS GOVERNMENT CODE SECTION 552.024
PUBLIC ACCESS OPTION**

The Public Information Act allows employees, public officials and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information.

	Public Access	
	No	Yes
Home Address		
Home Telephone Number		
Social Security Number		
Information that reveals whether you have family members		

Print Name

Signature/Authorization

Date

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