

MAKING A DIFFERENCE TOGETHER!

**City of
Kress**

**City of Kress
Employee
Handbook**

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1.0 INTRODUCTION

1.01 Authority

The City Council, elected by the citizens of Kress, Texas are the policy making body of the City. All of the policies in this manual have been approved by your City Council, effective and updated April 27th 2023.

1.02 Responsibility for Implementation of Personnel Policies

Each elected or appointed official and supervisors of the City of Kress is responsible for the administration of the personnel policies and procedures.

With the exception of matters of appointments and other personnel actions restricted by statutes, final authority on personnel decisions is reserved for the City Council.

1.03 Purpose

These policies set forth the primary rules governing employment with the City of Kress. The policies contained herein are established to bring understanding, cooperation, efficiency and teamwork to city service through consistent, uniform application of personnel practices. Our goals are:

1. To provide quality public service.
2. To provide equal employment for all persons, and
3. To promote pride and high morale among City employees.

1.04 Applicability of Personnel Policies

The personnel policies apply equally to all employees of the City of Kress. In cases where federal or state law or regulations supersede local policy, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply.

1.05 Employee Suggestions

Employees are encouraged to make constructive suggestions for any improvement in these policies.

2.0 EMPLOYEE RESPONSIBILITIES

2.01 General

The City of Kress is a public tax supported organization. Its employees must adhere to high standards of public service that emphasizes professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintaining good relationships with the public, with other government employees and officials, with their supervisors and with fellow employees. Employees must maintain professional appearance and good hygiene.

2.02 Administration

The Mayor is responsible for the proper administration of the city and enforcement of the policies set forth in this handbook. The department supervisor will assist in setting and enforcing standards of employee conduct, welfare, and morale.

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

It is the continuing policy of the City of Kress to provide equal employment opportunity to all persons without regard to their race, religion, color, national origin, sex, or disability.

The City of Kress maintains an Affirmative Action Program restating our commitment to apply every effort to the continued development and support of programs and procedures designed to assist in providing equal opportunity. This program requires positive efforts on the part of all management to take such action as is necessary to ensure the rights and rightful place of minorities, females, disabled, and aged in the work place.

Employees have certain responsibilities to the City of Kress, both internally with fellow employees and management, as well as in their day-to-day personal environment. They are expected to perform efficiently the work assigned as their responsibility; to maintain good moral conduct, maintain good relationships with their supervisors and fellow employees; protect and maintain City property; serve with scrupulous honesty; and cooperate in all internal and external investigations.

Employees shall be kept fully informed of policies and procedures, which affect their duties or conditions of employment, both upon entering, and as they continue in their employment. Upon entering into employment, an Entrance Orientation Interview will orient them in the application of the Employee Guidelines Handbook emphasizing its importance.

2.03 Timeliness

Employees are to be punctual in maintaining work hours, keeping appointments, and meeting schedules for completion of work. This is absolutely essential to the City's fulfillment of its mission to the citizens of our community. We are members of a team, and no team does its best unless everyone is on hand, prepared for a working day, and ready to start at the same time.

An employee who expects to be absent from work must request the expected absence the day before the next day's scheduled starting time to his/her supervisor. In the event of a personal or family emergency, the employee must notify their supervisor at the first opportunity, but in no case later than the first hour of their shift. If the supervisor is not available, then notification will be made to the Mayor.

Employees are to notify their supervisor in cases where they will be tardy by more than thirty minutes. An employee who is late will forfeit pay for the actual time they are late.

Excessive tardiness and absenteeism or failure to promptly report such events reflects on the employee's work record. Chronic/repetitive absenteeism and/or tardiness will be grounds for disciplinary action, to include termination. An absence, without notification, for two (2) consecutive workdays will be considered the employee has quit their job and the employee will be terminated and dropped from the payroll.

Naturally, the City promotes only those employees who have demonstrated job proficiency and who have a dependable work history. Regular and timely attendance is a demonstration of reliability and dependability.

2.04 Working Hours

All City full-time employees have a standard workweek of forty (40) hours.

City offices are open from 8:00 a.m. to 5:00 p.m. Monday-Friday. City Hall is closed on Saturday, Sunday and certain holidays. All employees will receive a one (1) hour lunch break. The Mayor must approve any adjustment to these hours of operation. This will only be approved in order to better serve the public.

For purposes of time cards – The workweek begins at 5:01 pm on Thursday and ends the following Thursday at 5:00 pm.

Rest breaks will be regulated by the department director or Mayor, but will not exceed 15 minutes every two hours. Rest breaks will not interfere with the proper performance of the work responsibilities and work schedule of each department. Department directors will ensure that all services to the public continue during rest breaks and thus are encouraged to stagger employee rest breaks. Rest breaks are provided as a privilege, not a right. Therefore abuses will not be tolerated. Employees are not allowed to take breaks at their residence. Employees may take breaks at City Hall, a local restaurant, a city park, or any other public facility. A break is not mandated by federal, state or city laws. It is a privilege. The city is not required to provide a break. However, should employees take a break they are not to

exceed 15 minutes per 4 hour shift. Violations of this directive are subject to disciplinary action, per the City employee manual.

Employees are required to be available for call-outs in addition to services rendered during regular office hours. Employees are responsible for notifying their supervisors when they will not be available for call-out, even when this period is during "normal off duty" times.

Employees are responsible for keeping accountability of their time on a weekly basis. Hours worked, in any one week, will be used for the purpose on computing forty (40) hours worked including:

1. Actual hours worked
2. Excused time with pay
 - a. Jury Duty
 - b. Authorized leave
 - c. Authorized rest periods
 - d. Balance of a regular day's pay when injured on the job.

2.05 Changes in Employee Personal Data

It is imperative that you notify your supervisor and the City Secretary concerning any of the following:

1. Change of address, whether it is mailing or residential.
2. Change of phone number, whether it is listed or unlisted
3. Change in marital status or in number of dependents (for the purpose of health insurance and income tax withholding).
4. Change in beneficiary (for life insurance and retirement benefits).
5. Any change in social security or driver's license number.

3.0 HIRING PRACTICES

3.01 Equal Employment Opportunity

There shall be no discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline or any other aspect of personnel administration based upon race, age, religion, color disability, national origin, sex, political affiliation or belief, or any other non-merit factor. Personnel decisions shall be made on the basis of occupational qualifications and job related factors, such as skill, knowledge, education, experience and ability to perform a specific job.

3.02 Sexual Harassment

It is the policy of the City to provide and maintain a work environment, which is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including immediate termination.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or any other physical or verbal conduct of sexual nature that creates a hostile working environment or the submission, to which, is made a term or condition of a person’s employment will not be tolerated by the City of Kress.

The City’s grievance procedure (see Grievances) provides procedures for reporting alleged sexual harassment. The City will immediately take action on such reports by appointing a committee to investigate. Confidentiality is of utmost importance. After the investigation, Mayor will report the findings and action to the members of the City Council.

3.03 Employment of Relatives

Nepotism is the showing of favoritism toward a relative. No employee hired after the adoption of this policy may directly or indirectly supervise or be supervised by a member of their immediate family. For the purpose of this policy, and immediate family member includes spouse, parent, child, brother, sister, step-parent, step-brother, step-sister, aunt, uncle, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and/or any relative residing in the same household as the current employee.

No person may be hired who is an immediate family member (as defined above) of any member of the City Council or to a state or federal official having a direct or indirect role in providing funds or oversight of the job/program in which the applicant would have job duties.

3.04 Age Requirements

Persons under eighteen (18) years of age will not be employed in any full-time regular position. Other age limitations will be only as required by State or Federal law applicable to the City.

3.05 Vacancies

Vacancies are filled on the basis of merit, whether by promotion or by initial appointments. Selections of the best-qualified persons are made only on the basis of occupational qualifications and job related factors such as skill, knowledge, education, experience, and ability to perform the specific job.

3.06 Method of Recruitment and Selection

The City of Kress has four methods of recruiting and selecting persons to fill vacancies. They are as follows:

1. Promotion from within
2. Lateral transfer within
3. Public announcement
4. Competitive consideration of applications for employment.

The City Council determines the method of selection for staff positions for the method of which it has responsibility. The Mayor or City Secretary shall maintain a list of all announced vacancies for public inspection.

3.07 Application for Employment

Each applicant is required to submit a City application for employment with pertinent information regarding training and experience. Only applications received in the prescribed manor shall be considered. Resumes will not substitute for filling out a formal application. The Mayor will make appropriate inquires to verify experience, character, and availability of any applicant. Each applicant will have a minimum education level of GED or High School diploma. Certain positions will require additional education requirements such as State Certifications. These State Certifications will be obtained within the first year of employment and maintained thereafter. If these education requirements are not met within the time period allotted this will result in automatic termination.

3.08 Consideration of Current Employees

Employees of the City of Kress will be permitted to apply for positions for which they believe themselves to be qualified.

3.09 Selection

The Mayor will screen and select an appropriate number of candidates for interview. The Mayor will interview and select options for the City Council to approve for hire.

3.10 Affirmative Action

The City will take affirmative action to see that all applicants and employees are treated without discrimination. In addition, the City will seek actively to include qualified members of minority groups in applicant pools.

3.11 Persons with Disabilities

It is the policy of the City to make its employment hiring process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to disabled persons. The City will make reasonable accommodations to a qualified individual with a disability that is an applicant or employee unless that accommodation will place an undue hardship on the City.

3.12 Medical Examinations

Upon receiving an offer for initial employment or reinstatement, all applicants shall undergo a thorough medical examination and drug screening prior to starting work. This examination and testing will be scheduled by and at the expense of the City. Employment shall be contingent upon successful completion of the medical examination in relation to the

standards of fitness required for the position involved. Random drug screening can be completed at any time thereafter.

Information from the medical examination will be treated strictly confidential and maintained in separate medical files. The only exclusions to this are:

1. Supervisors may be informed of any necessary restrictions on the work or duties of the employee and necessary accommodations.
2. First aid and safety personnel may be informed, when appropriate, if the information is applicable to emergency treatment, and
3. Government officials investigating ADA compliance may receive information upon request.

3.13 Probationary Period

Every person initially appointed to or promoted in the City service under a regular appointment shall be required to successfully complete a six- (6) month probationary period. The Mayor shall use this period to closely observe and evaluate the work and fitness of the employee and to encourage adjustments of their job acceptability. Continual counseling will occur during this period and only those employees who meet acceptable standards during the probationary period will be retained.

An employee shall fail probation when, in the judgment of the Mayor, the fitness and/or quality of work are not such as to merit continuation in the job. Failure of probation may occur at any time within the probationary period and shall not be considered a part of the disciplinary process. An employee failing probation will be separated from City service and have no right to appeal except on the grounds of discrimination prohibited by law or these rules. In this event, the employee may appeal in writing within five- (5) days to the City Council. The City Council shall review the case and render a decision within five- (5) days; this decision will be final.

3.14 Performance Evaluation

Performance Evaluation Reports: The performance of all City personnel will be formally evaluated on an annual basis by the immediate supervisor and/or Mayor. Probationary employees shall be evaluated at the midpoint of their probationary period and again prior to the completion thereof.

Counseling: Each employee shall be provided a copy of his/her performance evaluation report. The immediate supervisor and/or Mayor shall individually discuss the report with the employee and shall discuss career opportunities and any improvements in performance, which appear desirable or necessary. Employees dissatisfied with their performance evaluation may seek reconsideration by using the established grievance procedures.

Verbal or written counseling may be accomplished at any time the immediate supervisor deems necessary to correct substandard performance. This counseling will be documented

and failure to correct an efficient behavior will be grounds for formal disciplinary measures, to include dismissal.

3.15 Temporary Promotions

The Mayor may authorize a temporary promotion to ensure the proper performance of the City functions if a position is vacant of its regular incumbent is absent. Employees so promoted shall be compensated an additional 3% of their basic salary for the duration of their temporary assignment. Such appointment shall not exceed three- (3) months continuous duration. Temporary promotion shall not be used to circumvent normal selection procedures. The employees involved shall not acquire any status or rights in the classes to which they are temporarily promoted except as provided above. Nothing herein shall be construed to prevent the assignment of higher-level duties to an employee without additional compensation. Authorized additional compensation shall be paid in cases of formal temporary promotion affected in accordance with these policies.

3.16 Job Incapacity

An employee may be separated for incapacity when the employee no longer meets the standards of fitness for the position, as determined by a physician selected by the City Council. Before separation, the City will investigate and determine if a "reasonable accommodation" can be made. The City Council, and the Mayor, and other specialists (as deemed necessary) will investigate the situation to attempt to attain the best solution for the employee, the City, and the citizens.

If the employee is unable to return to their former job position, as a result of occupational or non-occupational illness or injury, and meets qualifications of the essential tasks of a vacant position, the employee will be placed in that position. If a position is not vacant, the employee will be assigned to an "Available for Placement" status. If the position calls for a lower level of compensation than the previous job, the employee's compensation will be reduced in accordance with the filled position and the City policy.

3.17 Gifts and Gratuities

City employees are prohibited from soliciting or accepting any gifts, gratuities, favors, loans or objects of monetary value arising as a result of the performance of their duties as City employees. It is felt that acceptance of such gifts is unprofessional and places an employee in positions which are not in the best interest of the City.

3.18 Outside Employment

Work requirements, including overtime, will have precedence over any other employment. The following guidelines shall also apply with regard to outside employment:

1. A full-time regular employee will consider their job with the City as their primary employment.
2. Permission will not be granted for an employee to accept employment with an organization or municipality that is in competition with or presents a potential conflict of interest with the City of Kress.
3. If the work standards or performance of an employee of the City suffers and it is determined to be caused by outside employment, permission to work at the outside job may be rescinded, or the employee may be subject to termination.

3.19 Background Checks

Upon receiving an offer for initial employment or reinstatement, all applicants shall undergo a thorough background check prior to starting work. All inquiries are conducted at the expense of the City. Applicants are expected to provide all forms of identification, correct information, and applicable signatures needed to aid in the successful completion of background checks. Employment shall be contingent upon results of background checks in relation to the standards of fitness required for the position involved. Certain exceptions may be made not to disqualify an applicant for employment. Information from the background check(s) will be treated strictly confidential.

4.0 TYPE OF EMPLOYMENT

4.01 Categories

There are five- (5) categories of employment with the City of Kress:

1. Fulltime: A regular full-time employee is employed to hold an authorized permanent position that involves forty- (40) hours per week. The employee will progress to this category after successful completion of six- (6) months in the Probationary Full-time status.
2. Probationary Full-Time: New and reinstated employees will serve for six- (6) months in this period their performance will be evaluated to determine if they should be retained in the Full-time status
3. Temporary Full-Time: Employees who work at least forty- (40) hours per week and are hired for a short period of time, less than six- (6) months, and are not in a probationary full-time or full-time status.
4. Part-Time: An employee who holds an authorized continuous position with fewer than forty- (40) hours per week.
5. Temporary Part-Time: An employee hired to complete a specific project within a specified short period of time or for non-continuous projects. Employees in this status work less than forty- (40) hours per week and are not in a permanent part-time status.

The Mayor may authorize temporary employments.

5.0 EMPLOYEES COMPENSATION AND ADVANCEMENT

5.01 Paydays

Paychecks for City employees are issued according to the time schedule set by the City Secretary and approved by the Mayor. If a payday falls on a non-work day, employees will be paid on the prior workday. Any deviation from this pay schedule will be at the sole discretion of the Mayor. **If an employee is absent from work on payday and desires someone to pick up his or her paycheck, the employee must designate the person by signing a written authorization for such person to receive the paycheck.**

5.02 Payroll Deductions

An earnings statement will be included with each paycheck, which will itemize the deductions made from each employee's pay. Deductions fall into two groups; those required by law and those the employee authorizes in writing. Deductions required by law are:

1. Federal Income Taxes: the amount deducted on the earnings and the number of exemptions the employee authorized on the W-4 form given to the Personnel Department at the time of employment or other updates.
2. Social Security: the City contributes a like amount to the Social Security System in the employee's name.

In accordance with policies approved by the City Council, deductions from an employee's pay may be authorized by the employee for:

1. Group health/medical insurance for dependents;
2. Group life insurance for dependents; and
3. Contributions to retirement accounts.
4. Such other deductions as may be authorized in writing by the employee and approved by the City Council.

Under Texas law, the City is not required to take action in the event of garnishment, attachment, or judgments against an employee's earnings. The only exception is the collection of overdue income taxes and court-ordered child support payments. The City expects all employees to deal responsibly with your creditors. It is against City Policy for employees to assign their wages to any other person.

The paychecks of non-exempt employees are divided between "regular" and "overtime" pay. Non-exempt employees are prohibited from working overtime unless such work is authorized in advance by their supervisor.

A City paycheck is payment from the City to an employee for services rendered less any applicable deductions. The employee is responsible for checking their paycheck ensuring that hours, pay rate, and deductions are correct. In the event the paycheck has an error, the employee will inform their immediate supervisor. **If the employee must cash the paycheck before the error can be corrected, the earning statement (check stub) must be saved and presented to the city secretary immediately. Errors, which are not reported promptly, will be treated as proof that the calculations are correct.** If an employee does

not understand how to figure the pay or how to read the paycheck, notification shall be made to the supervisor to attain a proper explanation.

5.03 Social Security

All employees of the City of Kress are covered by Social Security. The City matches each employee's contribution to the Social Security System dollar for dollar.

5.04 Worker's Compensation

All employees of the City of Kress are covered for Worker's Compensation Insurance in the event of an occupational injury. The City pays the entire premium for this coverage. This coverage provides medical and a percentage of salary continuation payments to employees who receive bona fide on-the-job injuries.

An employee injured on the job shall receive worker's compensation and injury leave benefits under terms and conditions prescribed in the applicable programs. Such employee shall report the accident or injury to their department director within 24 hours of its occurrence. The employee may use sick leave benefits to equal regular salary while receiving worker's compensation.

5.05 Continuation of Insurance Coverage (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides that all employees are eligible to continue their group insurance coverage for up to 18 months when employment is terminated due to resignation, reduction of work hours, or dismissal. The law also entitles dependents of a covered employee to continue their group insurance coverage for up to 36 months upon the termination of a covered employee. The employee or dependent must request continuation of coverage and must pay the full cost for the coverage.

5.06 Time Sheets

All employees are required to record their exact hours of work by timecard. After completion, the employee will check for accuracy, sign and submit it to their supervisor. Never enter someone else's timecard nor allow anyone to complete yours.

Do not remain on the premises unless you are on duty or scheduled to work. All work must be done "on the clock". Overtime may be worked and paid only if your supervisor has authorized the overtime in advance.

5.07 Overtime

Employees covered by the overtime pay requirements of the Fair Labor Standards Act (FLSA) may not start work earlier than their regularly scheduled hours or work later than their regularly scheduled hours unless they have obtained prior permission from their

supervisor. The City reserves the right to require employees to work "emergency" overtime on a given day or week. Violation of these requirements subjects the employee to discipline, up to and including discharge.

Emergency overtime is non-scheduled work time of an emergency nature that falls outside an employee's routine work schedule. An emergency is defined as an unanticipated combination of circumstances that call for immediate action. Regular non-exempt employees who work "emergency" overtime will be paid on and one-half- (1½) times their regular hourly rate for such "emergency" overtime.

In determining whether overtime pay rates apply to an employee's work, period of absence such as holidays, vacation, leaves of absence, medical leave, etc., shall not be counted as "hours worked".

The FSLA does not apply to certain categories of executives, managers, supervisors, administrative personnel, and professional employees. These exempt employees are not eligible to receive overtime pay and are expected to put in whatever hours are necessary to complete their job assignments. However, if some time is need during the working day for personal business it may be taken as comp time. This time is intended as benefit to exempt personnel and is not provided on an hour-for-hour even exchange basis. There will be no monetary reimbursement made for accumulated comp time for exempt personnel termination or at any other time regardless of the circumstance.

6.0 ABSENCES, HOLIDAYS, VACATION AND LEAVES

6.01 Definitions

Leave Time- Leave time is time during working hours of a regular business day when an employee does not engage in the performance of job duties by virtue of an authorized absence. Leave time may be either paid or unpaid.

Unauthorized Absence- An unauthorized absence is one in which the employee is absent from regular duty without permission of the department director. Employees are not paid for unauthorized absences, and such absences are cause for disciplinary action.

6.02 Approval for Leave

The department director or Mayor must approve all leave taken by City employees. Only one employee, who is a volunteer fireman, working in Public Works is allowed to leave the city limits to fight a fire at the same time.

Sick Leave Approval- Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured in advance. In all other instances of use of sick leave, the employee must notify his/her supervisor as early as practical on the first day of absence and request that approval of sick leave is granted.

Supervisors' Responsibility for Verification: Supervisors are responsible for determining that leave time is accrued and available for use in the amounts requested by an employee.

6.03 Vacation Leave

Vacation time provides employees with an opportunity to rest relax and refresh themselves, which benefits both the employee and the City. All employees are encouraged to take their earned vacation.

Regular full-time employees, except for police department personnel, are entitled to vacation with pay according to the following schedules:

<u>Anniversary Date</u>	<u>Vacation Time Allowable</u>
1 st Year	40 Hours
2 nd through 5 th year	80 Hours
6 th and succeeding years	120 Hours

Regular full-time employees in the Police Department are entitled to vacation with pay according to the following schedules:

<u>Anniversary Date</u>	<u>Vacation Time Allowable</u>
1 st Year	40 Hours
2 nd through 5 th year	80 Hours
6 th and succeeding years	120 Hours

The "anniversary date" of regular, full-time employees shall be the initial date of employment. Vacation time is earned annually on employee's anniversary date and according to service time with the City. Vacation time may be carried over only by special permission of City Council. No pay will be given for the hours lost. Minimum vacation time granted must be at least 4 hours.

Every attempt will be made to allow the employee to take the earned leave on the dates requested. Naturally the efficiency of the employee's department and the needs of the public come first, and the City reserves the right to set the times and duration when vacation may be taken.

If a holiday occurs during an employee's vacation, the holiday is not chargeable as vacation time, but rather counts as a paid holiday. Employees who are confined to bed during their vacation time due to illness or injury may request that the time of illness or injury be charged to sick leave. The request must be approved by the immediate supervisor and must be supported by a doctor's certification that the employee was confined to bed during that period of time.

Upon resignation an employee may receive pay for any unused vacation leave provided they give two- (2) week's written notice of their resignation and is not subject of discharge for misconduct. An employee may not take vacation leave during this two- (2) week period, since the purpose of a two (2) week notice is to enable the City to find a replacement for the vacated position. The Mayor must approve any waiver of this rule.

6.04 Paid Medical Leave

Regular employees of the City are entitled to medical Leave, often referred to as "Sick Leave". This is when an employee is unable to work due to personal injury or illness.

Regular employees earn medical leave at the rate of 4 hours for each full month of continuous service with the City. In order to receive paid medical leave, employees must notify their supervisors.

Credit for paid medical leave may not be accumulated from year to year. Paid medical leave expires 12 months after it has been earned and unused. **Paid medical leave must be earned before it is granted.** Employees on a medical leave of absence exceeding 30 calendar days (paid or unpaid) ceases earning additional sick leave or vacation until they return to active employment. Earned unused medical leave credit is not paid upon termination of employment for any reason. An employee becomes ineligible for medical leave benefits upon giving notice of resignation.

Medical leave benefits are not to be used for any purpose other than medical conditions of the employee or their immediate family due to illness or injury. Any attempt to obtain medical leave benefits by fraud will subject the employee to dismissal.

Sick leave may be taken in increments equivalent to one hour of work because of personal illness, personal injury, legal quarantine, or routine health care appointments which cannot reasonably be scheduled outside of working hours or serious illness in the employee's immediate family. Immediate family is defined as: Spouse, child, grandchild, brother, sister, parents, and parents-in-law. Other relatives living in the same household shall be considered immediate family.

The City may request and obtain verification of the circumstances surrounding use of sick leave. Sick leave in excess of three- (3) consecutive workdays must be supported by a physician's certificate.

The Mayor will counsel employees who use more than forty- (48) sick leave hours annually without proper cause. If after counseling, the employee continues to be a heavy user of sick leave, then a doctor's statement will be required for each absence. A written reprimand will also be placed in the employee's personnel file. Employees who have experienced legitimate illness or injuries may have the above requirements waived by the department director and City Manager.

Accrued vacation leave may be used to supplement sick leave. Pay shall be discontinued when authorized leave is exhausted.

6.05 Holidays

The City will designate official paid holidays for all full-time employees as determined by the City Council. As many employees as possible will be given each holiday off, consistent

with the maintenance of essential City functions. An employee, who is scheduled to work on a holiday, as directed, will be paid for the holiday and the time worked.

Holidays falling within employee's vacation period or within a period of absence properly chargeable to some other leave will be paid as a holiday and will not be counted against that leave.

6.06 Civil Leave

All employees will be granted time off for jury duty and for serving as a subpoenaed witness in an official proceeding. Employees are expected to notify their supervisor at the earliest opportunity and keep their supervisor informed of their expected date of return, so that replacement personnel can be arranged if required. When an employee has completed their civil service, they must report back to their regular schedule for the remainder of the day. Regular full-time employees called for jury service or subpoenaed as a witness may receive pay.

6.07 Leave of Absence

Leave of absence is an approved absence from duty in a non-pay status. Granting a leave of absence is at the discretion of the department director with approval of the City Manager. Such leave of absence shall not be granted unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period. Employees on leave of absence receive no compensation and accrue no benefits. However, previously accrued benefits are retained during leave of absence unless otherwise prohibited by the terms of provisions of the benefit program. Medical insurance can be continued, if paid for in advance by the employee.

A Leave of absence is appropriate for the following reasons:

1. Recovery from extended illness or temporary disability.
2. Education purposes when successful completion will contribute to the work of the City, or
3. Public service assignments.

Administrative leave is paid leave, which is not charged against vacation or medical leave benefits and which is granted for various administrative purposes, including:

1. Inclement weather or disaster – as determined by the City Manager.
2. To attend conferences, conventions, or schools which will enhance the employee's job performance?
3. To represent the City or department in meetings relating to matters of concern to the City.
4. To attend public relations events beneficial to the City.

6.08 Pregnancy

Pregnancy will be treated in the same manner as any other extended illness or temporary disability.

6.09 Bereavement

Employee is intitled to 3 days with a copy of obituary listing employee name as a survivor of immediate family.

7.0 HEALTH AND SAFETY

7.01 Safety Policy

It is the policy of the City to make every effort to provide healthful and safe working conditions for all of its employees.

7.02 Employees Responsibilities and Reports

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees.

An employee must report every accident, no matter how minor or slight, to his/her supervisor. Employees and supervisors are responsible for immediately filing with the City a "First Report of Injury" on every accident that involves any injury, no matter how minor. Forms are available from the City Secretary.

7.03 Employee Suggestions

Employees shall report immediately to their supervisor/ and or Mayor any conditions that, in their judgment, threaten the health and safety of employees or visitors.

7.04--DRUG TESTING POLICY

DRUG FREE WORKPLACE

The City of Kress is committed to the principal of keeping illegal drug use out of the workplace and society in general. Drug use in the workplace endangers fellow workers, public safety, employee morale, and production. Moreover, the Texas legislature has passed an act that requires employers to adopt a Drug Abuse Policy. Accordingly, the following policy is implemented in accordance with the *Drug Free Workplace Act of 1988* to help insure and maintain a drug free, healthful, safe, and secure working environment.

DEFINITION OF DRUG. For the purpose of this policy the definition of a "drug" is expansive and includes, but is not limited to, any alcoholic beverages, intoxicants, inhalants, synthetic and illegal drugs.

POLICY. The unlawful manufacture, distribution, dispensation, possession, or use of a drug on City premises is absolutely prohibited. Violations of the Policy will result in disciplinary action, which, at the City's discretion and

depending upon the seriousness of the violation, may range from required participation in and successful completion of a rehabilitation program to termination of employment. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violator of this Policy.

In accordance with the *Drug Free Workplace Act of 1988*, as a condition of employment, employees must comply with this Policy, and notify their immediate supervisor within 5 days of the conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment. The City will in turn, as required by the Act, report such convictions within 10 days of learning of the conviction to the appropriate federal agency.

See, **Section 11 Health and Safety** of these policies for details of the guidelines and policies.

HEALTH AND SAFETY

DRUGS AND ALCOHOL.

An employee under the influence of drugs or alcohol on the job poses serious safety and health risks, not only to the user but also to all who come in contact with the user. The benefits to be derived from reducing the number of accidents and of the greater safety of all the employees, justifies the guidelines the law requires of the City.

The following policy has been adopted to implement the City of Kress's desire to establish itself as a Drug-Free Workplace. In all instances where reference is made to alcohol, drugs, or other controlled substances, the references include intoxicants, inhalants, and synthetics.

General. All employees of the City are notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace of the City of Kress. In addition, the City prohibits employees from being under the influence of alcohol, drugs, intoxicants, synthetics or inhalants in the workplace or while on duty for the City. Employees who violate this policy will be subject to immediate dismissal.

Notification. Each employee of the City will abide by the terms of this policy and will notify the City of any arrest or conviction for a violation of a drug law no later than five (5) days after the arrest or conviction. Any employee so arrested or convicted for a violation of a drug law will be subject to serious disciplinary action up to and including immediate dismissal.

The City will notify any funding agency so requiring within ten (10) days after receiving notice from an employee under the above paragraph or otherwise receiving actual notice of such conviction.

Guidelines. Violation of the following guidelines may result in immediate termination:

- a. The sale, purchase, use, possession, or reporting to work under the influence of intoxicants, including alcoholic beverages, non-prescribed narcotics, hallucinogenic drugs, marijuana, inhalants, synthetics or other non-prescribed controlled substances while on duty or on the property of the City.

b. The sale, purchase, use and possession of equipment, products and materials which are used, intended for use or designed for the use with non-prescribed controlled substances while on duty or on the property of the City.

c. Reporting to and being at work with a measurable quantity of intoxicants, including alcoholic beverages, non-prescribed narcotics, hallucinogenic drugs, marijuana, inhalants, synthetics or other non-prescribed controlled substances while on duty or on the property of the City.

d. The operation of any City owned vehicle or equipment, while on or off duty, while under the influence of alcohol, non-prescribed narcotics, hallucinogenic drugs, marijuana, inhalants, synthetics or other non-prescribed controlled substances.

Drug Testing. An employee may be requested to undergo a blood test, urinalysis, "breath-analyzer" test or other diagnostic test to determine whether an employee has within his/her person any alcohol, intoxicant, non-prescribed narcotic, hallucinogenic drug, marijuana, inhalants, or other non-prescribed controlled substances. Failure to submit to the required testing will result in disciplinary action up to and including immediate discharge. The City will conduct drug testing:

a. Upon application and prior to becoming an employee, and as a condition to becoming an employee of the City.

b. At any time such person is involved in any accident or near miss while on duty for the City. In such a situation, drug testing will be conducted as soon as possible.

c. When there is reason to believe, in the opinion of the City management, that an employee is under the influence of intoxicants, including alcoholic beverages, drugs, or narcotics, while on the property of the City at any time, or that an employee has reported to work with a measurable quantity of intoxicants, including alcoholic beverages, drugs, or narcotics in his/her blood or urine.

Drug testing of an employee will be under the supervision of a supervisor, or by a person appointed by the Mayor to oversee the testing. Drug testing will be done at the local medical clinic during regular business hours, or after hours at Covenant Hospital in Plainview.

Any employee testing positive for drug use is subject to the full range of discipline up to and including immediate termination.

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All drug-testing information will be maintained in separate confidential records.

Drug Searches.

a. The City may conduct unannounced searches for alcoholic beverages, non-prescription narcotics, hallucinogenic drugs, marijuana, inhalants, or other non-prescribed controlled substances upon the City

property or any of the City vehicles. Employees are expected to fully cooperate in conducting such searches.

b. An employee's consent to a search is required as a condition of employment and continued employment, and the employee's refusal to consent may result in termination even for first refusal.

c. Searches of City facilities and property may be conducted at any time, and do not have to be based on reasonable suspicion.

d. Where there is a reason to believe, in the opinion of the City management, that an employee is under the influence of intoxicants, drugs or narcotics, or is in the possession of any intoxicants, narcotics or equipment, products or materials which are used, intended for use, or designed for use with non-prescribed controlled substances, the City may request that the employee submit to search by the City representatives of his/her person and/or property located on City property.

An employee's refusal to submit immediately upon request to a search of his/her person and/or property may result in immediate termination of employment.

Prescription Drugs.

The use of prescribed narcotic or hallucinogenic medication while on duty for the City or operating a City-owned property shall not be allowed without the prior consent of the employee's immediate department head.

8.0 USE OF CITY PROPERTY

8.01 General Policy

The city attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed and expects such employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all Municipal, County, and State regulations.

8.02 Use of Tools, Equipment, Property, and Vehicles

Employees who are assigned tools, equipment, or vehicles by their departments are responsible for them and for their proper use and maintenance.

No personal use of any city property, materials, supplies, tools, equipment, or vehicles is permitted. Violations may result in discharge and possible prosecution.

8.03 Valid Driver's License

All operators of City vehicles and equipment are required to have a valid State of Texas driver's license necessary for that vehicle or equipment and to keep supervisors informed of any change of status in their license.

Employees of the Water Department will be required to obtain a Class B driver's license.

8.04 Accident Reporting

Any employee operating City equipment or vehicles must report all vehicular accidents and property damage or liability claims to his/her supervisor and to the proper law enforcement agency immediately.

Each vehicular accident, no matter how minor, must be reported to the City in order that an official accident report can be filed. Reports should be made to the Mayor.

8.05 City Telephones/Cell Phones

Cell phones provided by the City are for City business, not for personal use.

9.0 DISCIPLINE

9.01 Just Cause

Disciplinary action may be taken against an employee for just cause. Just cause for disciplinary action includes, but is not limited to the following:

1. Insubordination.
2. Absence without leave, including failure to notify a supervisor of sick leave and repeated tardiness or early departure;
3. Endangering the safety of other persons through negligence or willful acts;
4. Intoxication or drug abuse while on duty;
5. Unauthorized use of public funds or property;
6. Violation of the requirements of this personnel policy;
7. Conviction of a felony;
8. Falsification of documents or records;
9. Unauthorized use of official information or unauthorized disclosure of confidential information;
10. Unauthorized or abusive use of official authority;
11. Incompetence or negligence of duty;
12. Disruptive behavior which impairs the performance of others;
13. Repeated misdemeanor offenses;
14. Profanity being used while on the job;
15. Misrepresentation of the truth;
16. Failure to complete tasks in a timely manner.

9.02 Progressive Discipline

The Mayor or City Council may take any disciplinary action, including dismissal, affecting an employee at any time. However, to the greatest extent practical, the elected and appointed officials are encouraged to use a progressive discipline system as follow:

1. Verbal warnings with records of each warning maintained by the department head;
2. Written reprimands must, in all cases, be transmitted to the employee's official personnel file;
3. Suspension from duty without pay for up to 30 days;
4. Demotion; or
5. Separation by involuntary dismissal.

Actions other than verbal or written warnings require the approval of the Mayor. This is so that he or she may ensure that all required precautions have been taken to prevent an unemployment claim against the City.

Except in the case of verbal warnings, disciplinary action is accomplished or preceded by written notice to the employee involved. Notice includes a description of the just cause of the action and, except in the case of dismissal, states the likely consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action is included in the employee's personnel file.

Disciplinary action does not automatically or permanently disqualifies an employee from consideration for future promotion; pay increases, commendation, or other beneficial official personnel action.

9.03 Suspension Following Indictment

If the Department director or Mayor determines that suspension is in the best interest of the City and the public, he/she may suspend, with or without pay, an employee indicted for a felony or accused by information of official misconduct or oppression until the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal. The suspension of any employee reinstated under this subsection is not a disciplinary suspension.

10.0 GRIEVANCES

10.01 Policy

It is the policy of the City of Kress, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those, which do occur. No adverse action will be taken against an employee for reason of his/her exercise of the grievance right.

10.02 Employee Grievances

Informal Grievances: The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with the immediate supervisor. If informal conference with the supervisor does not result in a resolution of the problem(s), that is satisfactory to the employee, he/she may file a formal grievance.

Formal Grievances: Formal grievances must be in writing, signed by the employee, and presented to the Mayor. A statement of the specific remedial action requested by the employee must be included in the written grievance.

After being presented with a written and signed grievance, the Mayor shall check with the supervisor to ascertain whether an attempt to resolve the problem(s) cannot be solved to this point, the Mayor shall present the grievance to the City Council.

The City Council may make recommendations to the Mayor in order to try to maintain standardization and equalization in personnel matters throughout the City.

10.03 Grievance Deadline

Grievances must be submitted to the City promptly. When informal methods have not produced satisfactory results, formal written grievances must be presented to the Mayor within 14 working days.

11.0 TRAVEL EXPENSES

11.01 Eligibility

Any employee of the City of Kress required to travel outside the City, in the performance of City business, shall be reimbursed as provided for in this policy.

11.02 Transportation Cost

The City will pay all reasonable and necessary transportation costs incurred for required travel relating to work/training.

The mode of transportation used shall be that which enables the traveler to make the most productive use of time at the least personal inconvenience and at the lowest overall cost.

Employees who receive a car allowance are not eligible for mileage reimbursement for the first one hundred miles of travel in their personal vehicle.

Private Auto

When an employee travels in his/her personal vehicle, the City of Kress will reimburse mileage at the maximum rate per mile allowed by the Internal Revenue Service. An employee, who receives a car allowance, must subtract one hundred miles from the total of miles traveled for each reimbursable occurrence. The Official State Mileage Guide will be used for reimbursement to and from the destination only. Inner city mileage will be reimbursed with the Mayor's approval, the approval will be a written memorandum attached to the Travel Request/Expense Report. All inner city mileage must be documented (date, destination, and mileage). The City will not reimburse for expenses above what it would cost had the employee to use commercial transportation.

Employees or officials shall not be reimbursed for use of a private vehicle on an out of county trip for more than the total cost of roundtrip coach air fare, except as approved in advance by the Mayor.

When two or more employees travel in the same vehicle, only one may claim mileage reimbursement. This provision, however, shall not preclude any employee from receiving reimbursement for other eligible expenses incurred.

Employees using commercial carriers for transportation on official business shall use the least expensive class accommodation. Upgrades to a higher class of service will be at the employee's expense. When an employee or official uses another mode of transportation, reimbursement shall be for the actual cost of the transportation. A ticket receipt must accompany the expense report. Employees and officials shall not be reimbursed for use of a rental car except where the cost of other transportation would exceed the cost of the rental car or is not available. The Mayor must approve use of a rental car in advance.

City Owned Vehicle

When travel by automobile is approved for official business, city-owned vehicles shall be to use by employees that do not receive a car allowance, when one is available. A fuel credit card may-be-issued since no car allowance is received there is no mileage reimbursement for use of a City-owned vehicle

Employees that receive a car allowance are not allowed the use of a city owned vehicle or fuel credit card.

11.03 Accommodation Cost

Reimbursement for accommodation shall be made upon presentation of a room receipt. Only charges for accommodation shall be reimbursed. Charges for phone use, movies, and etc. should be paid for by employee.

11.04 Meals

Meals and incidental expenses will be reimbursed on a per diem of thirty (\$30) dollars except for cities listed in Internal Revenue Service Publication 1542 with higher per diem rates. When an employee travels on official business requiring travel of 20 miles or more and is required to be absent from the city overnight and lodging and the meals are not included as part of the registration, tuition, etc., the cost of the meals and incidentals will be reimbursed at the maximum rate of thirty (\$30) dollars per day or at the higher rate listed in Publication 1542. (See Appendix A for breakdown of per diem by meal and departure and return times.)

Meals and incidental expenses will be reimbursed as in paragraph 1 above when an employee travels on official business requiring travel of 20 miles or more and is required to be absent from the city overnight and meals are not included. No reimbursement will be made for the cost of alcoholic beverages.

11.05 Exception

The Mayor may exempt an employee from the provisions of this regulation at any time should it be determined that the exception is warranted by extraordinary circumstance or operation requirements.

Appendix A

add as Appendix to policy

Effective November 20, 2005

	Per Diem Rates					
	\$39 Cities	\$44 Cities	\$49 Cities	\$54 Cities	\$59 Cities	\$64 Cities
Breakfast	\$8	\$10	\$11	\$13	\$14	\$15
Lunch	\$13	\$14	\$16	\$17	\$18	\$20
Dinner	\$18	\$20	\$22	\$24	\$27	\$29

EMPLOYEES WHO ARE NOT ABSENT FROM THE CITY OVER NIGHT ON OFFICIAL BUSINESS ARE NOT ENTITLED TO RECEIVE PER DIEM IN ADVANCE OF THE TRIP. THIS PER DIEM WILL BE PAID THROUGH PAYROLL ON THE SECOND PAYCHECK OF EACH MONTH.

If the employee does not depart the City before 7:00 a.m., per diem will be prorated as listed below.

Departs	\$39 Cities	\$44 Cities	\$49 Cities	\$54 Cities	\$59 Cities	\$64 Cities
Before 7:00 am	\$39	\$44	\$49	\$54	\$59	\$64
Between 7:00 am and 2:00 pm	\$31	\$34	\$38	\$41	\$45	\$49
After 2:00 pm	\$18	\$20	\$22	\$24	\$27	\$29

If the employee returns to the City before 6:00 p.m., the per diem will be prorated as listed below.

Returns	\$39 Cities	\$44 Cities	\$49 Cities	\$54 Cities	\$59 Cities	\$64 Cities
By 12:00 pm	\$8	\$10	\$11	\$13	\$14	\$15
Between 12:00 pm and 6:00 pm	\$21	\$24	\$27	\$30	\$32	\$35
After 6:00 pm	\$39	\$44	\$49	\$54	\$59	\$64

Per diem rates for various cities (unless the Texas city is listed below, the per diem is \$39).

\$39 per diem cities	\$44 per diem cities	\$49 per diem cities	\$54 per diem cities	\$59 per diem cities
College Station, TX Hunt County Killeen, TX Waco, TX	Arlington, TX Corpus Christi, TX El Paso, TX Fort Worth, TX Grapevine, TX Laredo, TX McAllen, TX Round Rock, TX South Padre Island, TX	Galveston, TX Piano, TX	Austin, TX San Antonio, TX	Dallas, TX Houston, TX

\$64 per diem cities
Las Vegas, NV
Manhattan, NY Washington, DC

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\$64 per diem cities
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