

City of Vernon

PERSONNEL RULES MANUAL

Adopted August 22, 2002

As Amended through December 19, 2023

INTRODUCTION...

The purpose of these rules is to set forth the principles, policies and procedures that are to be followed by City administration in its personnel program. These written rules or statements of policy are generally recognized as being essential to the efficient operation and performance of all municipal services. It is intended that these rules not only provide a working guide for officials, but that they shall acquaint the City's employees with the chief personnel objectives and practices of the City.

These rules are not intended to be inflexible therefore, it is expected that amendments and revisions will be made in the manner provided by the rules whenever they are necessary to assure effective personnel administration. These rules and amendments when approved by the City Commission shall be applicable to all departments of the City Service, and they shall have the force and of the law in all departments of the City administration.

Information concerning the City's fringe benefits is not made a part of these rules and policies. Please contact the Personnel Director's office for a complete listing of the current fringe benefits offered by the City for their employees. This fringe benefit package will change from time to time as deemed appropriate by the City Commission.

It is the intent of these personnel rules that the City Manager reserves unto itself the authority for creating and establishing all policy matters, and further the authority to review all administrative interpretations and applications of these policies made by the officers and Division Directors of the organization. Division Directors may establish departmental policies to effectively carry out the functions of their particular department but be it understood that in matters of conflict regarding policy matters the following policy as established by the City Manager will govern over any statements or written policies of a Division Director. Such reviews to be held when appeals from such administrative decisions are made in accordance with procedures as are provided herein.

All employees are subject to the employment at-will doctrine and are subject to disciplinary action or discharge for any reason. These personnel policies are a general guide and provisions herein do not constitute an employment agreement (contract) or a guarantee for continued employment. An employee may quit or the City may terminate his employment at any time for any reason or for no reason. No agreement or promise regarding an individual's employment is binding on the employer unless it is in writing and signed by both the employee and a city official as authorized by the City Commission to sign such agreement.

TABLE OF CONTENTS

100	DEFINITIONS	7
200	PERSONNEL RULES, POLICIES & PROCEDURES	11
300	MERIT SYSTEM & EMPLOYMENT RULES	
305	Political Activity	13
306	At-Will Doctrine	14
307	Nepotism	14
308	Residence Requirements	14
309	Non-Discrimination	15
310	No Political Recommendations	15
311	Appointments	15
312	Debt to City	15
400	APPLICATIONS & EXAMINATIONS	
401	Applications	16
402	Character Examinations	16
403	Content of Examinations	16
404	Cause for Rejection	17
405	Specifications of Job Requirements	17
406	Letters of Recommendation	17
407	Disclosure of Examination papers	18
408	Deceive or Obstruct	18
500	DISCIPLINARY ACTIONS AND APPEALS	
501	Disciplinary Action	19
502	Oral Reprimands	19
503	Written Reprimands	19
504	Temporary Suspensions	19
505	Terminations, Demotions & Suspensions	19
506	Pre-Termination Procedures	19
507	Appeal	20
508	Cause for Discipline	20
509	Accrued Leave in Disciplinary Action	21
510	Disability Terminations	22
511	Exigent Suspension Generally	22
600	ADMINISTRATIVE RULES	
601	Transfers	23
602	Reduction in Force	23
603	Resignation	23
604	Outside Employment	23
605	Ready, Willing & Able	24
606	Return of Records and/or Property	24

TABLE OF CONTENTS

607	Use of City Vehicles	24
608	Trial Service Period	24
609	Report of changes in Employee Status	24
610	Certification of Payroll	25
611	Service Connected Injury	25
612	Education Reimbursement	25
613	Uniform Policy	26
614	Heath Insurance	26
 700	 LEAVE OF ABSENCES	
701	Annual (Vacation) Leave	27
702	Holidays	28
703	Sick Leave	29
704	Funeral Leave	31
705	Perfect Attendance Award	31
706	Civic Duty Leave	31
707	Jury Service	31
708	Leave of Absence with Pay	32
709	Leave of Absence without Pay	32
710	Military Leave	34
711	Family & Medical Leave Act (FMLA)	35
712	Neutral Absence Policy	38
713	Absence during Hazardous Weather Conditions	39
 800	 CALCULATION OF HOURLY RATE, OVERTIME, COMPENSATORY TIME, PAY PERIOD AND WORK SCHEDULE	
801	Calculation of Hourly Rate	40
802	Regular Hours of Work	40
803	Overtime	40
804	Compensatory Time	41
805	Overtime & Compensatory Time for Firefighters	41
806	Travel Time	42
807	Training Time	42
808	Waiting Time, Off Duty & On-Call Duty Time	42
809	Call Back Overtime	42
810	Pay Period	43
811	Work Schedule	43
812	Work Period	43
813	Rest Period	43
814	Direct Deposit of Paychecks	43
 900	 SUBSTANCE ABUSE POLICY	 45
 1000	 GRIEVANCE PROCEDURE	 48

TABLE OF CONTENTS

1100	WORKPLACE VIOLENCE & WEAPONS POLICY	49
1200	HARRASSMENT & DISCRIMINATION POLICY	50
1300	AMERICANS WITH DISABILITIES POLICY STATEMENT	51
1400	TECHNOLOGY POLICY	53
	1401 – 1406 TECHNOLOGY & COMPUTER POLICY	53
	1407 ACCEPTABLE USE POLICY	54
	1408 SOCIAL MEDIA & NETWORKING POLICY	56
1500	WORKPLACE VIOLENCE POLICY	59
1600	WORKING CONDITIONS & SAFETY	60
1700	BENEFITS CONTINUATION	61
	1703 SICK LEAVE POOL	61

SECTION 100 - DEFINITIONS

Section 101 - These are the definitions of terms as used in these rules, unless the context clearly requires otherwise. When statements in these rules refer to the male gender it also applies to the female gender.

Section 102 - Appointment: the designation of a person by the City Manager to become an employee in a position.

Section 103 - Certify: the act of a Division Director in supplying the City Manager with a name of an applicant who is eligible for appointment to the position in which certification is requested.

Section 104 - City Manager: the chief executive officer of the City of Vernon.

Section 105 - Class: a position or group of positions that involve similar duties and responsibilities and requires similar qualifications and which is properly designated by one title indicative of the nature of the work.

Section 106 - Demotion: the transfer of an employee from a position in one class to a position in another class for which the maximum rate of pay is lower, or a reduction in pay without such transfer unless such reduction is a part of a general plan to reduce salaries for that class of employment.

Section 107 - Department: a major functional unit of the City Government.

Section 108 - Division Director: a person appointed by the City Manager who is responsible for the administration of one or more departments.

Section 109 - Employee: any person working in the service of the City of Vernon, other than those on retainer or on contract or an elected official.

Section 110 - Exempt Employees: an employee who is not entitled to monetary compensation for hours worked in excess of forty hours (40) in a seven day work week.

Section 111 - Family Medical Leave: time used in accordance to the Family and Medical Leave Act of 1993 (FMLA).

Section 112 - Fiscal Year: the year beginning October 1 and ending September 30.

Section 113 - Funeral Leave: time lost as the result of the death of a member of an employee's immediate family.

Section 114 - Kinsman: any relative related to any employee as follows: father, father-in-law, stepfather, mother, mother-in-law, stepmother, brother, brother-in-law, sister, sister-in-law, wife, husband, son, son-in-law, stepson, daughter, daughter-in-law, stepdaughter, grandfather, grandmother, grandson, granddaughter, aunt, uncle, niece, or nephew.

Section 115 - Layoff: separation from service because of shortage of funds or materials, abolishment of position or other reasons beyond the control of an employee, not reflecting discredit on said employee.

Section 116 - Mailing address: an address where the employee receives mail.

Section 117 - Non-Exempt Employee: an employee who is eligible to be paid at time and one-half times the regular rate when he works in excess of the maximum hours in a pay period, or is eligible for compensatory time at time and one-half.

Section 118 - Part-time Employee: an employee hired for a period of less than 1000 hours per year and is not eligible for fringe benefits.

Section 119 - Personnel Rules Manual: the Personnel Rules of the City of Vernon.

Section 120 - Physician Licensed: a doctor licensed by the Texas Board of Medical Examiners.

Section 121 - Policy: to display or make known any governing principle, plan or course of action.

Section 122 - Position: a group of current duties and responsibilities assigned or delegated by competent authority, requiring the services of an employee.

Section 123 - Promotion: the assignment of an employee from a position in one classification to a position in another classification having a higher maximum salary rate. Promotion shall always mean an increase in responsibilities.

Section 124 - Reclassification: the assignment of an employee from a position in one classification to a position in another classification which allows the employee to receive a higher or lower maximum salary than he would have received at the former classification.

Section 125 - Regular Full-time Employee: an employee who has satisfactorily fulfilled the trial service requirements and is eligible for fringe benefits.

Section 126 - Regulation: to rule, direct, regulate, control or govern according to a rule, principle or system.

Section 127 - Residence: the “domicile” of the employee.

Section 128 - Rule: a fixed principle that determines conduct, habit or custom.

Section 129 - Seasonal Employee: an employee who is hired for a special work or project of a temporary nature that does not justify the creation of a regular full-time position and is not eligible for fringe benefits.

Section 130 - Supervisor: any employee who directs the work of others and is responsible to a Division Director.

Section 131 - Trial Service Employee: an employee who has not completed his trial period.

Section 132 - Trial Period: the first six (6) months of employment during which the supervisor observes the new employee’s work habits and job knowledge to determine his suitability to the job.

Section 133 - Vacancy: a position, duly created and not abolished, which is not occupied and for the filling.

SECTION 200 – PERSONNEL RULES, POLICIES & PROCEDURES

Section 201 - The personnel policies, rules and procedures do not contain any guarantees. All policies and procedures are subject to change and interpretation by the City Manager. The personnel rules, policies and procedures delineate the manner in which personnel transactions shall be administered throughout the City. Those rules, policies and procedures that address supervisor-subordinate issues may be viewed as parameters within which supervisory personnel may exercise reasonable discretion in dealing with specific incidences or problems.

Section 202 - Departments may develop policies and procedures that are consistent with these procedures in order to meet departmental needs. Division Directors desiring to implement an exception to any rule or regulation contained within the personnel rules must request, in writing, approval of the City Manager.

Section 203 - These personnel rules, policies, or procedures do not constitute any contract for employment or continued employment. The sole remedy for an employee alleging a breach or other grievance arising under the substantive or procedural aspects of this policy manual shall be provided herein.

Section 204 - A master copy of the Personnel Rules of the City of Vernon shall be maintained by the Personnel Director and shall be the current and official copy.

Section 205 - Authority for Creation or Elimination of Positions: with exception of positions established by Charter provisions, the City Commission creates all positions or offices in the municipal organization. The rates of pay are set by the budget, recommended by the City Manager, and approved by the City Commission. The City Commission may delete positions through the budget process.

Section 206 - Invalid Provisions: the provisions of these rules are declared to be severally, and if any rules, section, sentences, clause, phrase, or work of these rules shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining rules, but they shall remain in effect, it being the legislative intent that these rules shall stand, notwithstanding the validity of any part.

Section 207 - Amendments: any changes to these rules may be proposed by the City Manager, but no material change shall be adopted until approved by the City Commission.

SECTION 300 - MERIT SYSTEM & EMPLOYMENT RULES

Section 301 - Consistent with the Vernon City Charter and all applicable federal and state laws, the City of Vernon has adopted a merit system employment policies and procedures which apply to all employees appointed by the City Manager. The merit system shall provide for the recruitment, selection, and promotion to all position vacancies on the basis of job related ability, knowledge, and skills. Advancement in the City shall be based on demonstrated ability and quality of performance.

Section 302 - All persons applying for employment and all employees shall receive fair, equitable treatment in all aspects of personnel management without regard to race, color, religion, national origin, sex, age, disability or political affiliation.

Section 303 - Employees shall be retained on the basis of their job performance. Inadequate job performance shall be brought to the attention of the employee with notice of the need to correct the deficiency. If the employee fails to improve performance after appropriate notice, the employee may be terminated.

Section 304 - Employees may not be allowed to work in more than one Department at the same time unless written approval is given by the City Manager.

Section 305 - City of Vernon employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City of Vernon employee is prohibited from becoming a candidate for public office. However, City of Vernon employees may not:

1. Publicly endorse or campaign in any manner for any person seeking a City public office.
2. Use the employee's position or office to coerce political support from employees or citizens.
3. Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
4. Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Commission or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions and to cast his or her vote.
5. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions

or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.

6. Contribute money, labor time or other valuable thing to any person for City election purposes, except as permitted by law.

Section 306 - Employment At-Will Doctrine: All employees are subject to the employment at-will doctrine and are subject to disciplinary action or discharge for any reason. These personnel policies are a general guide and provisions herein do not constitute an employment agreement (contract) or a guarantee for continued employment. An employee may quit or the City may terminate his employment at any time for any reason or for no reason. No agreement or promise regarding an individual's employment is binding on the employer unless it is in writing and signed by both the employee and a city official as authorized by the City Commission to sign such agreement.

Section 307 - Nepotism: No person as defined as kinsmen to the Mayor, City Commissioner or City Manager shall be appointed to any office, position, clerkship or service of the City of Vernon. Employees related by blood or marriage as defined as kinsmen shall not be supervised, either directly or indirectly, by any person related to them as kinsmen. No person defined as kinsmen to any Department Head shall be appointed to any office, position, clerkship or service of the City of Vernon in that Department Head's department unless specifically approved by the City Manager.

Section 308 - Residence Requirements: The residence is the true, fixed and permanent home of the employee or the applicant for employment, to which, whenever he is absent, he has the intention of returning. Residence means the same as domicile, and a person can have only one residence. The "residence" of single employees or applicant is where he usually sleeps; if married that is where his spouse resides, or if he is permanently separated from his spouse, his residence is where he usually sleeps.

Other qualifications being equal, applicants who live inside the corporate limits of the City of Vernon shall be given preference to those living outside the corporate limits when appointments are made.

Certain job duties require an employee's residence to be within a designated time limit from the City, at the designation of the Division Director.

All employees are required to provide the Personnel Director and Division Director with any change of address as soon as possible after the change occurs. Falsification of residence address or failure to report change of address within thirty (30) calendar days of such a change will be subject to disciplinary action up to and including dismissal.

No employee residing outside the city limits shall be permitted to drive a city vehicle to and from his place of residence except upon written authorization of the City Manager.

Section 309 - Non-Discrimination: No discrimination shall be exercised, threatened, or promised against or in favor of any employee, applicant, or competitor because of his political beliefs or creeds, race, color, national origin, sex, age, or disability unless it is shown to be a bona fide occupational requirement.

Section 310 - No Political Recommendations: No recommendations for any applicant of competitor involving the disclosure of his political opinions or affiliations shall be received, filed or considered by a Division Director or the Chief Executive.

Section 311 - Appointments: The City Manager appoints all employees with the exception of those offices that are, by charter provisions, otherwise appointed.

Section 312 - Debt to the City: Any employee shall not be indebted to the City as prescribed by Section 4 of Article IX in the City Charter. This shall include any business owned by an employee. Division Directors shall certify that any applicant being recommended for appointment is not past due on property taxes, emergency medical services, utility bills, or any other fees owed to the City of Vernon.

SECTION 400 – APPLICATIONS & EXAMINATIONS

Section 401 - Applications: all City of Vernon employment applications are received and distributed by the Texas Workforce Commission. Applications are received when position announcements are posted at City Hall, Police Station, Central Fire Station, Cemetery, Warehouse, Wastewater Treatment Plant and Texas Workforce Commission. The acceptance of an application prior to the position postings at the Texas Workforce Commission does not obligate the City of Vernon to notify each applicant of current or future openings or to notify each applicant when a position has been filled. It is the responsibility of the person with an application on file to activate the application when the City posts a position announcement. The Texas Workforce Commission may screen all applications for educational, compatible training, certifications, and work experience.

Section 402 - Character of Examinations: all examinations shall be of such nature that they will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the particular position to which they seek appointment. Such examinations shall, in addition to questions of general knowledge, provide for a thorough inquiry into the applicant's knowledge of and qualifications for the position for which he is applying.

Section 403 - Content of Examinations: examination for entrance into the service and for promotion within the service shall consist of one or more of the following parts as considered appropriate for the various classifications of positions:

1. **Written Test:** this part, when required, shall be designed to show the familiarity of the applicants with the knowledge needed in the position to which they seek appointment. Such written tests shall be made available in English or Spanish if requested by the applicant.
2. **Oral Interview:** this part, when required, shall include a personal interview with applicants for positions where ability to deal with others, to meet the public, or personal qualifications are to be determined. An oral examination may also be used in examinations where a written test is unnecessary or impracticable.
3. **Performance Test:** this part, when required, shall include such tests of performance as will determine the ability and skill of applicants to perform the work involved in the position to which they seek employment.
4. **Physical and Drug Tests:** this part shall consist of the furnishing of information by the applicant regarding his health and physical condition. It shall also consist of an examination of the applicant by the City of Vernon health care provider under direction of a licensed physician and a standard drug screen. For an offer to remain valid minimum standards of physical and/or mental fitness required for the position applied for must be met as well as a negative drug screen. If a seasonal employee returns to employment within 12 months from last date of work, the physical may be waived at the discretion of the Division Director. Drug screening will be mandatory. (Amended 3-26-2013)

5. Adaptability and Aptitude Tests: this part, when required, shall include tests designed to determine general adaptability or to ascertain special traits and aptitudes.
6. Training and Experience: this part shall consist of questions on education and experience in the application form and of such supplementary data as may be needed for qualification and proof of statements made in the application, or it may consist of questions on training and experience asked at the time the written tests are given.
7. Criminal History Check: this part, when required, will consist of a criminal history background check through the Texas Department of Public Safety Crime Records Service.

Section 404 - Cause for Rejection: the following are declared to be cause for rejection of any applicant; that the applicant

1. is found to lack any of the established requirements of the position for which they apply;
2. is determined by the City of Vernon health care provider to be physically unable to safely and fully perform the duties of the position for which they apply;
3. failure to pass the drug screen test;
4. has been charged or found guilty of any crime reasonably likely to have an adverse job related impact;
5. has been dismissed from the City for inefficiency, misconduct, or violation of the rules and regulations of the City of Vernon; exceptions may be made for said disqualification when in the opinion of the City Manager, the formerly dismissed employee is able to effectively and efficiently work in another department and is able to successfully complete a new probationary period;
6. has made a false statement of any fact or has practiced or attempted to practice any deception or fraud in their application, examination, or in establishing their eligibility for appointment;
7. whose documented past conduct indicated an unreasonable risk that the applicant will be an unsatisfactory employee; or
8. any combination of the above.

Any of the foregoing disqualifications may be cause for voiding that person's appointment during or after the trial service period.

Section 405 - Specification of Job Requirements: Division Directors shall furnish a specific and comprehensive written statement of the requirements of each classified position in their department. It shall be the responsibility of the Personnel Director to finalize and approve job descriptions for all positions within the City from such statements.

Section 406 - Letters of Recommendation: no letters of recommendations or endorsements, other than those required by the rules, shall be considered in rating any competitor unless called for in connection with the examination.

Section 407 - Disclosure of Examination Papers: the examination papers of a competitor will be exhibited only to the competitor, the scorer, Division Director and City Manager.

Section 408 - Deceive or Obstruct: no person shall deceive or obstruct any person in respect to his right of examination under the provisions of these rules or falsely mark, grade, estimate or report upon the examination or standing of any person examined hereunder or aid in so doing, or furnish to any person except in answer to the inquiries of the City, or any special information for the purpose of either improving or injuring the rating of any such person for appointment of employment. No applicant shall deceive the City for the purpose of improving his chances for appointment.

SECTION 500 – DISCIPLINARY ACTIONS AND APPEALS

Section 501 - Disciplinary Action: whenever an employee is subject to disciplinary action; this action may be progressive. Senior management encourages the use of progressive discipline principles by supervisors.

Section 502 - Oral Reprimands: all employees are subject to disciplinary oral reprimands for cause by Supervisors. During the oral reprimand the supervisor shall inform the employee of the oral reprimand and that notice of the reprimand shall be made to the Division Director. The City Manager or Division Director shall keep a written record of the oral reprimand. An appeal of oral reprimands shall be in accordance to the Employee Grievance procedure.

Section 503 - Written Reprimands: all employees are subject to disciplinary written reprimands for cause by the City Manager or Division Directors. The written reprimands shall be placed in the employee's permanent personnel file located in the Personnel Director's office. The employee shall acknowledge the written reprimand by affixing his signature to the document. An appeal of a written reprimand is through the Employee Grievance procedure.

Section 504 - Temporary Suspensions: all employees are subject to disciplinary suspension for cause without pay for a period not exceeding fifteen (15) working days by order of the City Manager and/or Division Director.

Section 505 - Terminations, Demotions, Suspensions, Written Reprimands and Oral Reprimands: The City Manager or Division Directors may impose terminations, demotions, suspensions, written reprimands, or oral reprimands upon subordinate employees for violation of any policy, procedure, practice, supervisory order or rule.

Section 506 - Pre-Termination Procedures: whenever a disciplinary termination against an employee who has completed the trial service period occurs, the following steps shall be taken:

1. the employee shall be informed in writing that the termination is forth coming, and the reasons therefore;
2. the employee shall be given an effective opportunity to respond to the charges set forth in (1.), above, to the disciplinary authority; and if the termination is upheld then
3. the notice of termination shall be personally delivered to the employee or employee's designee or shall be mailed by certified mail, return receipt requested, to the employee's last known address as noted in the employee's personnel file.

Section 507 - Appeal:

1. Notice: written notice of the appeal of termination, demotion or suspension must be given to the Personnel Director by the employee or the employee's designee within ten (10) calendar days after such written notice of disciplinary action is given to the employee.
2. if the Personnel Director determines that notice of appeal has been timely filed, the City Manager shall commence a review of the appeal. As soon as practical the City Manager shall render his decision based upon his independent review of the disciplinary action.
3. Finality: in all appeals of disciplinary action, the decision of the City Manager shall be final, unless appealed to the City Commission.
4. if the decision of the City Manager is appealed to the City Commission within ten (10) calendar days after written notice given to the Personnel Director by the employee or the employee's designee, the City Commission, at their discretion, may choose to formally review the appeal. All appeals shall be held in executive session unless the employee requests a public hearing. If the City Commission chooses not to formally review the appeal, then the decision of the City Manager is final.

Section 508 - Causes for Discipline: the following are considered representative causes for suspension, demotion or discharge against an employee, if, in the opinion of the disciplinary authority the employee:

1. has been convicted of a felony charge or misdemeanor involving moral turpitude;
2. has committed a felony or a misdemeanor involving moral turpitude whether the employee has been indicted or found guilty in a criminal proceeding or not;
3. has willfully, wantonly, or through culpable negligence, been guilty of brutality or cruelty to a person in custody;
4. has violated any of the provisions of the City Charter or of this Code of Rules and Regulations;
5. has been guilty of public conduct such as to bring discredit on the public service;
6. has violated any of the departmental rule or regulation, or failed to obey any order or direction made or given by an officer superior to or in a supervisory capacity over the employee;
7. has been insubordinate;
8. has consumed or been under the influence of alcohol or other intoxicating substance while on duty;
9. is offensive, obscene, or indecent in conduct or language toward the public or City Officials, officers, or employees, which interferes with or might reasonably be expected to interfere with the proper and orderly conduct of the City's business or brings or might reasonably be expected to bring discredit on the public service;
10. has made a false statement or report in order to obtain leave;
11. is incompetent or inefficient in the performance of the duties of his position;
12. has excessive absenteeism or tardiness;
13. is so inefficient in the performance of the duties of his position that his performance rating, kept in accordance with the rules of the Commission, is unsatisfactory;

14. steals, or is careless or negligent with property of the City;
15. bribes or attempts to bribe any officer or employee of the City;
16. threatens, harasses, assaults or batters any officer or employee of the City;
17. has been induced, has induced, or has attempted to induce an officer or employee of the City to commit an unlawful act, or to violate any departmental or personnel rule or regulation, or to disobey or fail to obey any order or direction by a superior officer;
18. has been absent from duty without leave, or has failed to call or notify his supervisor when unable to report for duty unless such failure to call or report is due to no fault of the employee, or has failed to report upon expiration or revocation of leave or when reason for leave has ended;
19. has been involved in any political activity prohibited by City Charter, Ordinance or published personnel policy;
20. has knowingly, singly or in cooperation with others, wrongfully instructed another with respect to that person's right of examination;
21. has knowingly furnished any person being examined any special or secret information for the purpose of improving or injuring that person's performance on the examination;
22. has made any false report, oral or written, with respect to his employment, or has knowingly falsified any government record, or aided another in doing so;
23. has falsely maligned any other employee of the City, provided that this clause does not apply where the employee, in good faith, prefers charges against another employee with the view of having the other employee brought up for review before the proper authority of the City;
24. has threatened to suspend, discharge, or demote, or adversely affect another employee for having filed a grievance, complaint or suggestion, or for having failed to take part in a voluntary program or benefit;
25. has exhibited unlawful discriminatory or offensive conduct or language while on duty;
26. has been guilty of neglect of duty;
27. has misrepresented his physical condition, capacity, or disability;
28. has acquired an interest in any contract with the City;
29. has engaged in any activity or refrained from any action to bring discredit upon the City or the public service;
30. has possession of a firearm concealed or otherwise on City premises or possession of a firearm concealed or otherwise during performance of duties (with the exception of peace officers);
31. has failed to provide a notice on change of address; or
32. has failed to pay past-due City utility accounts, past-due emergency medical service bills, delinquent ad valorem taxes due to the City, or any other past-due fees due to the City;

These listed causes are just representative causes. No attempt has been made to list all causes for disciplinary action, nor has an attempt been made to list the causes in order of severity of seriousness. All employees are subject to the employment at-will doctrine and are subject to disciplinary action or discharge for any reason.

Section 509 - Terminated employees shall not receive accumulated annual leave pay.

Section 510 - Disability Termination: any employee who remains mentally or physically disable from fully and safely performing the duties of his position after exhausting all sick leave, annual leave, or disability leave and has not been placed on approved leave of absence by the City Manager consistent with Section 709, is automatically terminated from his employment. Such terminations shall not be considered disciplinary in nature and shall not be appealable to the City Commission.

Section 511 - Exigent Suspensions Generally: an employee who has engaged in misconduct such that his continued presence at work will constitute a danger may be placed on leave without pay immediately and without the requirement that the disciplinary authority first comply with Section 506. Such leave without pay must be approved by the City Manager and shall not exceed three (3) calendar days without the due process procedures of Section 506 being implemented.

SECTION 600 – ADMINISTRATIVE RULES

Section 601 - Transfers: may be made from a position in one Department to a similar position of the same class or lower, in another Department, providing the Division Directors and the employee shall concur, and approved by the City Manager.

Section 602 - Reduction in Force: whenever it becomes necessary within any Department of the City to reduce the work force by specific classification within that Department, lay-offs shall be based on efficiency, job-related knowledge and experience, job performance, character, conduct, seniority and other appropriate consideration within the classification. Preferential consideration shall be given to employees affected by lay-offs in filling open positions.

Section 603 - Resignation:

1. Voluntary: an employee wishing to resign shall present his resignation to his Division Director and forwarded to the City Manager for final approval. Any employee wishing to leave the service in good standing and receive his accumulated annual leave pay shall file with his Division Director at least two weeks before leaving, a written resignation stating the date the resignation shall become effective and the reason for leaving the City service. Failure to comply with this procedure will be entered into the personnel file of the employee and shall be considered grounds of denying his future employment with the City and the employee shall not be paid for his accrued annual leave in accordance to Section 701.3.

2 Automatic: employees who are absent for three (3) consecutive working days prior to receiving approval to take leave, or when leave had been denied, or without contacting their immediate supervisor regarding that absence, will be considered by the City to have resigned. The Division Director shall give the employee written notice of such by certified mail to his last address as shown in personnel records. An employee that has resigned under this subsection shall not be paid their accrued annual leave as prescribed in Section 701.3.

Section 604 - Outside Employment: a City employee must obtain the approval in writing from the Division Director before accepting outside employment. The Division Director must keep a record of all employee outside employment; such record shall show the name of the business or individual person that the City employee is working for; and it shall show the type of work and the number of hours and hours assignment worked by the City employee working on such outside employment. As a rule, so long as such outside employment does not interfere, in any way, with the value and performance of the City employee's duties with the City, there is no objection to the City employee having outside employment. As a condition of continued City employment the employee and the Division Director must remember that the job with the City must come first.

Section 605 - Ready, Willing, and Able: it is the duty of each employee to promptly report for duty ready, willing and able to safely and fully perform the duties of his position. Failure to do so shall be grounds for disciplinary action, including dismissal.

Section 606 - Employees shall surrender and return to the Division Director all City owned records and/or property upon separation of service from the City. Final paycheck and/or payment for unused annual leave will not be paid until all records and/or property is returned. The City may deduct the value of any unreturned records and/or property from the employees final paycheck.

Section 607 - Employees may not use a City vehicle for personal use unless specifically authorized by the City Manager.

Section 608 - Trial Service Period:

1. **Newly Hired Employees:** the trial service period shall be six (6) calendar months of full-time continuous service for full-time regular employees. Trial service employees may be temporarily suspended or terminated with or without cause during the trial service period. In any instance where an employee's six (6) month trial service period is unsatisfactory, the Division Director and the employee may agree, with the approval of the City Manager, to an extension for an additional period of up to six months. The trial service employee may be re-evaluated at any time during the six (6) month extension.
2. **Promoted Employees:** promotion within the City shall be based on efficiency, job-related knowledge and experience, job performance, character, conduct, and seniority. Vacancies that are not filled by transfer or reduction in force shall be filled on the basis of merit and other appropriate factors. No promotion from one position to a higher one or to a position paying a higher salary shall become final until after the person promoted has demonstrated fitness by satisfactorily completing a trial service period as set out above.

Section 609 - Reports of Division Directors: Division Directors shall immediately report to the Director of Personnel any and all changes in the status of their department personnel. Such reports shall include change of address; appointments, whether temporary or regular, regardless of whether by original entrance, reinstatement, or promotion; removals from service, whether by dismissals, lay-offs, suspensions, absences or leaves of absence of any nature, or annual leaves; returns to service, whether reinstatements, returns from absences or leaves of absence or annual leaves; changes in departmental organizations such as creation, abolishment, or combining of offices or positions; and salary changes, whether increases or reductions.

Section 610 - Certification of Payrolls: no fiscal officer of the City shall draw, sign, issue or authorize the drawing, signing or issuing of any warrants on the head of the division of treasury or other disbursing officer of the City, to pay any salary or compensation to any person not in the service of the City. After the end of a work period and time sheets have been submitted to the Personnel Director for payment, if an employee leaves the service of the City before the end of the pay period then the Division Director shall immediately notify the Personnel Director of that employee's change of status. Division Directors shall not approve any time sheet that is not in accordance to any personnel policy or procedure.

Section 611 - Service Connected Injury: all employees injured on-the-job shall immediately notify their immediate supervisor. A Report of Injury form (P-30) shall be filled out and submitted to the Division Director and then to the Finance Director. If the injury requires medical treatment or results in lost time, a TWCC-1 Form shall be filled out immediately and forwarded to the Finance Director.

Failure of the employee to report any on-the-job injury to his immediate supervisor by the end of his scheduled work period shall be grounds for disciplinary action, including dismissal.

Each time the employee goes to the doctor, for consultation or treatment, a doctor's Medical Report Form (P-10) shall be completed in its entirety and returned to his Division Director who shall forward the report to the Finance Director.

Section 612 – Education Reimbursement: The City may incur expenses including but not limited to meals, travel, lodging, incidentals, fees for training and other expenditures expended by the City on behalf of the employee to obtain and maintain certification in the employees respective job. The City would not incur these expenses for the employee except for the assurance that the employee will continue with his/her employment with the City for at least one year after the last certification or re-certification training.

The provisions of this paragraph apply to the employee only if:

- The employee voluntarily terminates his/her employment within one year of the last certification or re-certification training.
- The employee is terminated for misconduct.

The employee agrees that the City shall deduct expenses incurred, including but not limited to meals, travel, lodging, incidentals, fees for training and other expenditures expended by the City on behalf of the employee to obtain and maintain certification, which expenses have been incurred less than one year from the date of termination/separation. In the event the expenses incurred exceed the amount of money owed to the City, the employee agrees that the excess shall be due and payable within thirty (30) days of termination/separation. This policy does not apply to continuing

education or conferences. Employees may appeal this section requirements to the City Manager.

Section 613 – Employee Uniforms: Uniforms are to promote the safety, professional appearance and uniformity of City of Vernon personnel. It is important that all employees give a clean and neat appearance while on duty. Employees are responsible for following the city policy in regards to uniform compliance.

Clothing with city logos or other uniforms or clothing items that identify a person as a city employee will not be worn off-duty unless stated by department policy. City uniforms may not be worn while engaging in other employment, during off-duty hours, or by any third party. A terminating employee must return all City issued articles before receiving his/her final paycheck.

Public Works employees including Water, Wastewater, Streets, Parks, Cemetery, and Shop Departments shall wear short or long sleeve logo shirts and jeans provided through the city's uniform rental agreement. Jackets are provided during the winter months. Employees in the Police and Fire/EMS Departments shall wear uniforms as directed by department policy or general orders. All employees in service departments are required to wear a safety vest while performing their job duties. Foot protection may be regulated as needed by the division directors. Boots may be required to prevent employee injury. Caps are limited to the City of Vernon logo style ball caps. No other logos or advertisements are allowed on caps. Baggy pants are prohibited. (Amended September 28, 2010)

Section 614 – Health Insurance: *Health Insurance is provided for employees as per the approved annual budget. All employees are eligible to participate in the health insurance plan provided by the city. When an employee reaches the age of 65, city employee may, at his or her election, forego and decline health insurance coverage under the City's health insurance policy and elect to be covered under Medicare Parts A, B, F and Part D, and a Medicare Supplement (hereinafter "Medicare"). Furthermore, if the employee elects for his/her health insurance to be covered under Medicare, the City shall reimburse the employee monthly for health benefits and the income taxes associated with them up to the same amount that the City pays for other City employees' health insurance.*

SECTION 700 – LEAVE OF ABSENCES

Annual Leave:

Section 701.1 - All full time, regular employees with less than four (4) years of service shall be allowed annual leave, with pay, for ten (10) working days each calendar year of continuous service to be accrued on a semimonthly basis. All full time, regular employees with more than four (4) years of service but less than eight (8) years of service shall be allowed annual leave, with pay, for twelve (12) working days each calendar year of continuous service to be accrued on a semimonthly basis. All full time, regular employees with more than eight (8) years of service but less than twelve (12) years of service shall be allowed annual leave, with pay, for fifteen (15) working days each calendar year of continuous service to be accrued on a semimonthly basis. All full time, regular employees with more than twelve (12) years of service but less than sixteen (16) years of service shall be allowed annual leave, with pay, for seventeen (17) working days each calendar year of continuous service to be accrued on a semimonthly basis. All full time, regular employees with more than sixteen (16) years of service shall be allowed annual leave, with pay, for twenty (20) working days each calendar year of continuous service to be accrued on a semimonthly basis.

Annual leave shall accrue only when hours worked and approved paid leave exceeds unpaid leave on a semimonthly basis. If any employee hired after February 1, 2018 accumulates 240 hours of annual leave, no additional annual leave will be accumulated or earned above the 240 hour cap.

Section 701.2 - For employees who are scheduled to work a regular (40) hour work week, eight (8) scheduled working hours shall be counted as one (1) working day for annual leave purposes; for Firefighters assigned to twenty-four (24) hour shifts in fire suppression, twelve (12) scheduled working hours shall be counted as one (1) working day for annual leave purposes.

Section 701.3 - Annual leave earned by an employee during a semimonthly pay period will be available the following pay period. Regular employees leaving the service of the City shall be eligible to receive the full amount of the employee's salary for the period of accumulated annual leave, not to exceed sixty-five (65) days if the employee was hired prior to February 1, 2018 or thirty days (30) if the employee was hired after February 1, 2018. In cases where an employee does not give proper notice of his resignation or is terminated, he shall not be paid for his accumulated annual leave unless the leave was accrued before the effective date of these rules. No employee shall be granted annual leave in excess of accrued leave. On September 30th each year those employees who have taken at least 80 hours of annual leave from October 1st through September 30 and have at least 40 hours of annual leave left in accrual may elect to sell up to 40 hours of vacation back to the city at their current pay rate less deductions.

Section 701.4 - The Division Director or designee shall determine when annual leave may be taken consistent with departmental staffing needs. All employees shall be expected to request annual leave on the appropriate departmental forms.

Section 701.5 - Once the employee begins the approved annual leave, the employee shall remain on annual leave until the approved annual leave period has ended even though the employee becomes ill or is accidentally injured while on annual leave. If, after annual leave has ended the employee remains ill or is still recovering from injury, accrued sick leave will be granted and continued until exhausted or the employee returns to work which ever occurs earlier.

Holidays:

Section 702.1 - Full time, regular employees shall be paid for the following observed holidays:

1. New Years Day (January 1)
2. Martin Luther King Day (third Monday in January)
3. Presidents Day (third Monday in February)
4. Good Friday (Friday before Easter)
5. Memorial Day (last Monday in May)
6. Juneteenth (June 19)
7. Independence Day (July 4)
8. Labor Day (first Monday in September)
9. Columbus Day (seconded Monday in October)
10. Veterans Day (November 11)
11. Thanksgiving Day (fourth Thursday in November)
12. Christmas Day (December 25)
13. two floating holidays with approval of City Manager - one of which will be designated September 11th for Firefighters. (AMENDED 9-22-2009)
14. other days as designated by the City Commission

Section 702.2 - For employees working Monday through Friday, and one of the above-named holidays or special holiday, declared by the City Commission, falls on Saturday, the holiday shall be observed the preceding Friday. If it falls on Sunday, it shall be observed the following Monday.

Section 702.3 - Police Officers assigned to patrol duties, and 911 dispatchers who are assigned to shift work shall be allowed holiday leave, with pay, for fourteen (14) holidays each calendar year of service to be accrued on a semimonthly basis. Firefighters assigned to twenty-four (24) hour shifts in fire suppression, shall be allowed holiday leave, with pay, for fourteen (14) holidays each calendar year of service to be accrued on a

semimonthly basis. Accrued holidays must be taken within one year from date of accrual. Any hours worked on a holiday shall be paid as time worked.

Regular employees leaving the service of the City shall be eligible to receive the full amount of the employee's salary for the period of accumulated holiday leave, not to exceed one year's accrual. In cases where an employee does not give proper notice of his resignation or is terminated, he shall not be paid for his accumulated holiday leave unless the leave was accrued before the effective date of these rules. No employee shall be granted holiday leave in excess of accrued leave.

Section 702.4 - For employees assigned to work at the wastewater treatment plant and work on a holiday shall be paid for eight (8) hour holiday pay and if any hours worked shall be paid as time worked.

Section 702.5 - Any employee absent without approved leave on a work day immediately preceding or following a holiday or on a holiday shall not be paid for the holiday unless it is worked, in which case the employee shall be paid only for the time worked that day.

Sick Leave:

Section 703.1 - All full time, regular employee's, shall accrue sick leave with pay at the rate of ten (10) working days each year, to be accrued on a semi-monthly pay period basis. The accrual will be available the pay period following the period accrued. Sick leave shall accrue only when hours worked and approved paid leave exceeds unpaid leave on a semi-monthly basis.

In the event of a public health crisis, the City Manager may allow advance use of sick leave on a temporary basis in order to eliminate exposure of the work force. Such advance is limited to 5 days per calendar year at the recommendation of the Division Director. Said days must be paid back immediately following the event and any accrued days may not be used until all advanced days are repaid. (AMENDED 10-27-2009)

Section 703.2 - Sick leave may be accumulated without limit and may be used as approved by the Division Director and City Manager while an employee is unable to work as stated in Section 703.4. Upon leaving the service of the City an employee shall not be paid for accrued and unused sick leave.

Section 703.3 - For employees who are scheduled to work a regular forty (40) hour work week, eight (8) scheduled working hours shall be counted as one (1) working day for sick leave purposes; for Firefighters who are assigned to twenty-four (24) hour shifts in fire

suppression, twelve (12) scheduled working hours shall be counted as one (1) working day for sick leave purposes.

Section 703.4 - Sick leave may be granted for a bona fide physical or mental illness or injury under the following conditions:

1. legitimate illness or injury of the employee,
2. to care for kinsmen (as defined in Section 114) who are under the care of the employee, with the approval of the Division Director.
3. a Division Director may require an employee to provide a physician's release to return to work and/ or a physician's statement of medical treatment if an employee is absent from work for three or more days.. All unauthorized absences shall constitute leave of absence without pay.
4. accrued sick leave or annual leave may be used, at the employee's election, to supplement worker's compensation wage continuation benefits. If the employee elects to use accrued sick leave or annual leave, any workers' compensation wage payments should be endorsed to the City so that, in no event, shall any injured employee receive a greater income while off work for an injury than the employee would receive while performing regular duties. One day of accrued annual or sick leave shall be deducted for each day supplementing any type of worker's compensation wage continuation paid for that day. (Amended 04-28-2009)

Section 703.5 - Employees who are absent from work because of illness or non-service connected injury are responsible for:

1. reporting their absence to their Division Director one (1) hour before the start of their work day on the day of absence and
2. shall assure he can be reached either by telephone or in person at their residence, except for hospitalization or doctor visits.

Any employee who fails to follow either requirement shall be penalized by having the leave charged to annual leave or leave without pay. Division Directors may limit the use of sick leave by employees who are failing to accumulate sick leave and are suspected of misrepresenting the need to use sick leave. The misuse or abuse of sick leave benefits shall be grounds for disciplinary action, including dismissal.

Section 703.6 - There shall be no deductions from the compensation of employees exempt from overtime provisions of the Fair Labor Standards Act, for periods of absence from work of less than one (1) day, if such employees have no accumulated sick or annual leave.

Section 703.7 - Sick leave shall be reported and charged in one (1) hour increments of the regular daily work shift of an employee no matter if less than one hour is taken.

Funeral Leave:

Section 704 - Any full time, regular employee will be granted funeral leave with pay for not more than three (3) consecutive working days in the case of death of a member in his immediate family. For Firefighters assigned to twenty-four (24) hour shifts in fire suppression, twelve (12) scheduled working hours shall be counted as one (1) working day for funeral leave purposes. One of the three consecutive working days must be the day of the funeral. Immediate family in this case shall mean the employee's spouse, son, daughter, father, mother, father-in-law, mother-in-law, brother-in-law, sister-in-law, sister, brother, grandfather, grandmother, grandchildren, step relatives to same degree and any other relative who is an actual member of the employee's household or who has the same relationship to the employee's spouse. The employee's Division Director may require written verification of the death. The misuse or abuse of funeral leave benefits shall be grounds for disciplinary action, including dismissal.

Perfect Attendance Award

Section 705 - Any full time, regular employee, except firefighters, that has perfect attendance for a period of six (6) months during the following months in a calendar year shall have credit for an extra eight (8) hours added to their annual leave accrual. Firefighters assigned to twenty-four (24) hour shifts would qualify for perfect attendance award shall receive twelve (12) hours of annual leave accrual. The first six (6) months period is from January 1 thru June 30 and the second six (6) month period is from July 1 thru December 31. Perfect attendance is defined as no absences from work during one of the six (6) month time period that is listed above except for holidays, annual leave, jury service, special leave of absence with pay, military leave, or funeral leave. This annual leave earned by an employee during the six (6) months period will be accrued at the end of this six (6) month period.

Civic Duty Leave

Section 706 - All employees entitled to vote at National, State, County or Municipal elections may, when necessary, be allowed sufficient time off with pay to exercise this right. Employees may participate in other civic functions with approval of the City Manager.

Jury Service

Section 707 - Employees who are required by due process of law to render jury service shall receive their regular pay during such period, and the time spent in such service shall be reported as working. An employee may retain his remuneration for this service. An employee must report to work upon release from jury service unless the work period remaining is less than one (1) hour.

Special Leave of Absence With Pay

Section 708 - Attendance of full time, regular employees at conventions, or short training courses, or meetings of like nature, if approved by the Division Director, or jury service or voting in any duly held local, state, or federal election shall be considered leaves of absence with pay.

Division Directors and other exempt employees may be granted compensatory time in recognition of work in excess of forty (40) hours in a normal workweek or work period. This compensatory time may be granted at the option of the Division Director or City Manager as work schedules permit. Notification to the appropriate supervisor, either the Division Director or City Manager, for a leave of absence with pay shall be made prior to taking such leave.

This leave for compensatory time is earned at the rate of one (1) hour of compensatory time for each hour of overtime worked.

Payment for accrued compensatory time will not be made to exempt employees upon termination.

The City Manager may approve leave of absence with pay for any employee for a period not to exceed ten (10) working in the event that attendance of said employee is not in the best interest of the city. (Amended April 26, 2011)

Leave of Absences without Pay

Section 709.1 - Regular employees, for temporary leave of absence without pay, shall follow this procedure in processing all requests. It is the intent of this policy to provide an equitable method for administrative review of all requests for temporary leave of absence without pay based upon the same standards and guidelines. Leave of absences that qualify under the Family Medical Leave Act, (FMLA) will be assessed according to Section 711.

The Division Director may grant any regular employee in the department leave of absence without pay not exceeding a total of seven (7) days in a calendar year.

The Division Director for approval by the City Manager may request a leave of absence beyond the seven (7) day time-period.

Section 709.2 - An employee requesting temporary leave of absence without pay due to an impairment shall be responsible for submitting a formal written memorandum or letter to the Division Director specifying the following information:

1. the nature of the impairment;

2. the name of the physician or provider administering treatment for the condition and;
3. the period of time requested for leave of absence without pay and the specific date on which the employee expects to be able to return to full duty.

The employee shall be required to attach a signed statement by the physician or provider of the treatment outlining, in reasonable detail, the employee's condition and prognosis for recovery. In addition, the employee must submit a signed release authorizing the physician employed by the City to review all employee medical records relevant to the treatment in question.

Section 709.3 - Criteria to be used for evaluating Leave of Absence Without Pay requests are:

1. the employee's past and present job performance and record of attendance. Attendance shall take into account whether or not employee absences were previously approved by the Division Director and were based upon valid medical reasons. When such leaves of absence meet the sick leave requirements of these rules, the employee shall be required to use all accrued sick leave followed by all accrued annual leave prior to being placed on leave of absence without pay.
2. the department's ability to temporarily be without the services of the employee. In making this evaluation the Division Director should consider whether or not the employee's absence would create an undue hardship on departmental operations.

Section 709.4 - Employees on leave of absence without pay shall be responsible for making arrangements with the Finance Director for the continued personal payment of all health and life insurance premiums and other payroll deductions during the duration of the approved leave of absence and employees shall not be eligible to accrue annual leave or sick leave during the period the employee is on leave of absence without pay.

Section 709.5 – Saved for Expansion

Section 709.6 - While on leave of absence without pay resembles FMLA, this leave is intended for use in situations not involving a FMLA qualifying event. If an absence is due to an FMLA qualifying event, then that policy shall provide leave and this policy shall not be cumulative or in lieu of FMLA leave.

Military Leave of Absence

Section 710.1 - Any full time, regular employee, who submits appropriate documentation requiring attendance for a period of training or other active duty as a member of the United States Armed Forces or State military forces, in keeping with §431.005, Texas Government Code, will be given military leave with pay and accrue benefits, as if on the job, for a period or periods not exceeding a total of fifteen (15) working days in any one (1) calendar year. An employee eligible for military leave who is ordered to participate in training or other duty for more than fifteen (15) working days in one (1) calendar year may, at their option, use accrued annual and/or compensatory leave or be placed on leave without pay for time in excess of fifteen (15) working days. A part-time or seasonal employee will be given up to fifteen (15) working days per calendar year authorized leave without pay for this purpose.

Section 710.2 – Any full time, regular employee who leaves his position for the purpose of entering the armed forces of the United States, or enter service as a member of State military forces, or as a member of any reserved components of the Armed Forces of the United States shall, be restored to employment in the same or equivalent position as held at the time of induction, enlistment, or order to active federal or state military duty, in accordance with §4312, Title 38, United States Code, if the employee:

1. is physically and mentally qualified to perform the duties of the position;
2. was discharged, separated or released from military service under honorable or general conditions;
3. the cumulative length of all absences from employment with the City by reason of service in the uniformed service does not exceed five years; and
4. makes written application for re-employment within ninety (90) days after discharge or release from active military duty and presents evidence of the discharge, separation or release.

Section 710.3 – Any full time, regular employee who is absent from his position of employment by reason of service in the uniformed services may elect to maintain City health insurance coverage under the terms and conditions specified in §4317, Title 38, United States Code.

Family and Medical Leave Act:

Section 711.1 – All eligible employees will be provided up to twelve (12) weeks of job protection for certain family and medical leave in compliance with the Family and Medical Leave Act of 1993. “Eligible” employees are those who have worked for the City of Vernon for a minimum of one (1) year and have worked at least 1,250 hours during the previous twelve (12) months.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that employees not provide any genetic information when responding to any request for information. “Genetic Information” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Section 711.2 – FMLA leave may be used for the following reasons:

1. the birth of a child of the employee and in order to care for the child;
 2. the placement of a child with the employee for adoption or foster care;
 3. to care for the employee’s spouse, child, or parent who has a serious health condition;
- or
4. a serious health condition that makes the employee unable to perform the functions of the employee’s position. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or the incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

5. An employee who is a spouse, son, daughter, parent, or next of kin may take up to twenty-six (26) work weeks of leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Section 711.3 – The twelve (12) month period during which an employee is eligible for twelve (12) work weeks of leave, is measured forward from the date the employee takes the first day of FMLA leave.

Section 711.4 – An employee on FMLA leave must substitute and exhaust all applicable accrued vacation and sick leave as part of the twelve (12) work weeks of FMLA leave, before beginning leave without pay status. Compensatory leave will run concurrent with FMLA leave.

Section 711.5 – An employee does need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. An employee may take FMLA leave on an intermittent or reduced leave schedule for reasons under Section 711.2 subsections 3. and 4. Intermittent or reduced leave is not available for leave taken under Section 711.2 subsections 1. and 2.

Section 711.6 – An employee intending to take FMLA leave due to child birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin, when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable – generally the same or next business day. Absent unusual circumstances, employees must comply with the City of Vernon usual and customary notice and procedural requirements for requesting leave.

Section 711.7 – A husband and wife who are eligible for FMLA leave and are both employed by the City, are each entitled to twelve (12) weeks of FMLA in a twelve (12) month period except:

1. for birth of the employee's son or daughter or to care for the child after birth;
2. for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or
3. to care for the employee's parent with a serious health condition.

In the circumstances described above the husband and wife are limited to a combined total of 12 weeks of FMLA leave during a 12-month period. For the birth of a child, a maximum of two (2) weeks of sick leave is allowed without a physician statement.

Section 711.8 – The City Manager may require, by written request, that FMLA leave be supported by a certification issued by the health care provider of the employee, or the child, spouse, or parent of the employee. A certification must be furnished in a timely manner when requested and must state:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition; and

3. the appropriate medical facts within the knowledge of the health care provider.

Section 711.9 – The City will provide health benefits to an employee while on FMLA leave at the level and under the conditions benefits would have been provided if the employee had continued in regular employment subject to the employee continuing to pay any premium required prior to start of the FMLA leave.

Payment for dependent coverage under this policy shall be made through regular payroll deduction while the employee is on leave with pay. While on leave without pay, the employee shall be required to pay for premiums due to the City under this policy no later than 30 days after the due date which the City sets, or coverage shall be discontinued.

Section 711.10 – The City may deny FMLA under any of the following circumstances:

1. there is not a qualifying event or the employee has not worked the requisite time; or
2. if an employee fails to provide within fifteen (15) days a requested medical certification to substantiate the need for FMLA leave; or
3. all FMLA leave has been exhausted for that 12-month period.

Section 711.11 – If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certificate. If an employee fraudulently obtains FMLA leave, the City may deny job restoration or maintenance of health benefits in addition to other disciplinary action.

Section 711.12 – If the employment relationship between the City and the employee terminates, an employee's rights to continued leave, maintenance of health benefits and job restoration cease under FMLA.

Section 711.13 – If a conflict should occur between these policies and the Family and Medical Leave Act of 1993, the Act shall prevail.

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SECTION 712.00 – NEUTRAL ABSENCE POLICY (replaces 709.5)

All City of Vernon employees are covered by this policy, subject to any applicable legal restrictions.

The purpose of this policy is to allow the City to replace employees who are unable to come to work so that the City is able to continue the work of the City without undue hardship to individual departments, the City and the Citizen's we serve.

The policy will be applied for all leave reasons including, but not limited to Personal Leave of Absence, work related injury, employee's own illness, FMLA leave, employee's absence due to family illness, or any other reason that keeps the employee from returning to work for six (6) consecutive months.

Employees on unpaid leave scheduled to extend beyond the calendar month in which leave begins will be eligible to continue coverage in the City's group insurance plan at their own expense through their rights under continuing health coverage (COBRA). Employees on leave under FMLA will have their insurance continued by the City under the conditions set forth in the FMLA.

If an employee is unable to return to work after six months from the last full day the employee was at work, the employee can be terminated.

All employees will be required to exhaust all applicable paid leave (sick, vacation or compensatory time) accumulated. However, the paid time away from the job will count toward the six (6) months maximum. If the employee has any vacation or compensatory time still available, that time will be paid at termination. Unused sick leave is not paid at termination.

When and if an employee is medically released to return to work, the City will gladly consider that employee for any available positions for which they apply and for which they are qualified on an equal, competitive, non-discriminatory basis with other qualified candidates.

**SECTION 713.00 – ABSENCE DURING HAZARDOUS WEATHER
CONDITIONS.** (amended 4-26-2011)

If an employee is unable to come to work due to road conditions said employee may use either vacation or other acceptable accumulated leave time with approval of the Division Director.

**SECTION 800 – CALCULATION OF HOURLY RATE, REGULAR TIME,
OVERTIME, COMPENSATORY TIME, PAY PERIOD
AND WORK SCHEDULE**

Section 801 – Calculation of Hourly Rate: all full time, regular City employees are appointed at a monthly salary with an hourly rate being calculated by utilizing the following formula:

1. the base monthly salary is multiplied by twelve (12) months to annualize the monthly salary; then
2. for full time, regular City employees, with the exception of Firefighters assigned to twenty-four (24) hour shifts in fire suppression, their annual salary is divided by 2,080 hours to produce an hourly rate. For Firefighters assigned to twenty-four (24) hour shifts in fire suppression, their annual salary is divided by 2,736 hours to produce an hourly rate.

A base monthly salary does not include certification pay, longevity pay, apparel allowance or any other type of allowance or incentive pay.

SECTION 802 – Regular Hours of Work: The normal work week for full-time, regular City employees, with the exception of Firefighters assigned to twenty-four (24) hour shifts in fire suppression, shall be forty (40) hours per week and Police Personnel assigned to twelve (12) hour shifts. For Firefighters assigned to twenty-four (24) hour shifts in fire suppression, the regular work period shall be defined as one hundred fourteen (114) hours per fifteen (15) day period with a twelve (12) hour day (two 12-hour days per 24-hour shift) defining the “work day”. For Police Personnel assigned to twelve (12) hour shifts, the regular work period shall be defined as eighty-four (84) hours per fourteen (14) day period with a twelve (12) hour day defining the “work day”. All employees in the City service may be required to work more than the hours stipulated when necessity demands additional service. When the employee is called to work early, the employee will be paid straight time unless time worked exceeds the established workweek or period as defined in this section.

Section 803 – Overtime: overtime for nonexempt employees (excluding Firefighters assigned to twenty-four (24) hour shifts in fire suppression) are those hours authorized in advance and worked beyond the designated forty (40) hour work week unless otherwise specified. With the exception of Firefighters assigned to twenty-four (24) hour shifts in fire suppression, who are covered under the Fair Labor Standards Act section 7(k) provisions, all other nonexempt employees shall be eligible for overtime payment at one and one-half times the regular rate for hours worked in excess of forty (40) hours a week. Police Personnel assigned to twelve (12) hour shifts in the regular eighty-four (84) hour work period shall be eligible for overtime payment at one and one-half times the regular rate for hours worked in excess of eighty (80) hours in a fourteen (14) day period, covered under the Texas Local Government Code 142.0015.

Section 804 – Compensatory Time: compensatory time, in lieu of cash payment for overtime, may be granted by a Division Director, at his discretion, to nonexempt employees at the rate of one and one-half hours for each hour of employment for which overtime is required.

It shall be the responsibility of each Division Director to ensure that the employee uses all compensatory time within ninety (90) calendar days from the date earned. Division Directors shall also ensure that no employee accumulates more than one hundred and twenty (120) hours of compensatory time. The City Manager must approve any accrual of compensatory time in excess of one hundred twenty (120) hours and for use beyond the ninety (90) day limit.

Upon termination all nonexempt employees shall be eligible to receive payment for any accrued compensatory time, which has not already been taken as time off with pay. The hourly rate of payment shall be based on the employee's hourly rate at the time of termination, or the average hourly rate during the last preceding three (3) years of employment, whichever is greater.

Section 805 – Overtime and Compensatory Time Provision For Firefighters:

Firefighters regularly assigned to one hundred fourteen (114) hours per work period in fire suppression activity shall be paid for overtime at the rate of one and one-half times the regular hourly rate or be granted compensatory time in lieu of such overtime, at the option of the Fire Chief, when such overtime hours worked exceed the normal one hundred fourteen (114) hours per work period. Firefighters who are regularly assigned to a forty (40) hour work week shall be paid for overtime at the rate of one and one-half times the regular hourly rate or be granted compensatory time in lieu of such overtime, at the option of the Fire Chief, when such overtime hours worked exceed the normal forty (40) hour work week.

For purposes of call back, when a Firefighter is ordered to return to work while off duty, call back pay shall be paid at a minimum of two (2) hours for time worked at the rate of one and one-half times the regular hourly rate, provided the call back requires less than two (2) hours to complete. Additional call back pay hours shall be calculated by rounding partial hours worked up to the nearest hour without any maximum limitation on call back hours worked, i.e., a call back of two (2) hours and forty-five (45) minutes will be counted as three (3) hours, etc. Call back pay eligibility shall not be affected by time not worked during the scheduled work week (annual leave, sick leave, holidays, etc.) as would normally be the case in calculating other overtime eligibility.

Overtime resulting from required training shall be paid at the rate of one and one-half times the regular hourly rate or be granted as compensatory time, at the Fire Chief's option. Time not worked during the scheduled work- week (annual leave, sick leave, holidays, etc.) shall not be deducted from the scheduled workweek in determining training related overtime eligibility.

Section 806 – Travel Time: a non exempt employee who is assigned a City vehicle on a twenty-four (24) hour basis and who drives that vehicle to and from home each day is not considered to be working until the employee reaches the job site and reports for work. An exception to this rule could occur if, while en route to work or home, the employee is dispatched to respond to a call. In this instance the employee shall be considered to be working after receiving the call. Travel outside the City by nonexempt employees for training purposes or for special duty assignment is considered work time if it extends into the employee's regular hours of work regardless of whether or not the travel occurs on normal days off.

Section 807 – Training Time: required training, which is directly related to the nonexempt employee's current job, is considered work time. Training for another job or which provides new or additional skills not required for current position is not considered work time. Meal times and social meetings occurring during those same regular hours of work are not considered work time. In all instances, where training occurs, proper documentation of the employee's time will be required (program, agendas, etc.).

Section 808 – Waiting Time; Off Duty; and On-Call Duty Time: instances where a nonexempt employee is relieved of duty and is asked by the supervisor to wait to be available for an unspecified period of time for a further assignment and the employee is not able to use this time effectively for his own purposes, is considered work time. This does not include employees who are under subpoena to court and may have to be available to that court for testimony. If, however, the employee is asked to carry a pager, cell phone or radio in order to be reached when needed and the employee can use this time for his own purposes, it is not considered work time.

Section 809 – Call Back Overtime Pay: any nonexempt employee who has left the premises but is called out later for an emergency assignment, will be given a minimum of two (2) hours pay provided the call out requires less than two (2) hours to complete. Additional call back pay hours shall be calculated by rounding partial hours worked up to the nearest hour without any maximum limitation on call back hours worked, i.e., a call back of two (2) hours and forty-five (45) minutes will be counted as three (3) hours, etc. Call back pay eligibility shall not be affected by time not worked during the scheduled work week (annual leave, sick leave, holidays, etc.) as would normally be the case in calculating other overtime eligibility.

Section 810 – Pay Period: salaries and wages shall be paid on a semimonthly basis. For all employees, except Firefighters, the weekly work periods shall end on Sunday at midnight. Before the beginning of each calendar year the Personnel Director shall issue an annual schedule that sets which weekly work periods are to be paid in each pay period and when the payroll check will be issued. Firefighters assigned to fire suppression work activity shall end their pay period or work period on the appropriate fifteen (15) day schedule or another designated work period. At the end of each work period all certified time sheets shall be expedited to the Personnel Director's office by 5:00 p.m. on the day following the end of each work period. Paychecks shall be distributed by the 15th of the month and by the end of the month depending on the pay period.

Section 811 – Work Schedule: a Division Director with approval of the City Manager determines the appropriate work schedules. Firefighters assigned to fire suppression activity work twenty-four (24) hours on duty with forty-eight (48) hours off duty.

Section 812 – Work Period: all employees shall be assigned to one of the following work periods:

1. Firefighters assigned to fire suppression activity shall work a fifteen (15) day work period except for the last pay period of the calendar year when a catch up option is available to the Fire Chief for use at his sole discretion as long as it is less than the fifteen (15) day work period and in conformance to the Fair Labor Standards Act; or
2. All other employees shall work a seven (7) day work period.

Section 813 – Rest Period: if authorized by the supervisor, employees may take two 15-minute rest periods during each workday. Such rest periods shall be considered a privilege and not a right, and shall never interfere with proper performance of the work responsibilities or work schedule of each department.

Section 814 – Direct Deposit of Paychecks.

The City of Vernon requires mandatory direct deposit of paychecks for all new employees hired after January 1, 2008, and allows election of direct deposit for all current employees. Direct deposit will be made the day before payday so that funds will be available to the employee on payday.

Direct deposit authorizations should be signed and returned to the Personnel Director along with a cancelled / voided check from the employee's bank. The employee cannot make any change for one (1) year. The only exceptions would be a change of bank or change of family status.

Paycheck stubs will be printed on regular paper and available on payday. Everyone's final paycheck will be a printed check unless authorized by the Division Director.

Final paycheck for a full-time employee leaving the service of the City will include payment for any unpaid accrued leave, compensatory time, and overtime that is due to the employee. This payroll check shall be issued after all time sheets have been turned in to the Personnel Director and after the last day of actual work performed in the service of the City. The City Manager may waive this requirement with just cause.

SECTION 900 - SUBSTANCE ABUSE POLICY

Section 901 - The City of Vernon does not tolerate on-premises or on-duty use, possession, or distribution of alcohol or illegal drugs. All employees are required to report to work free of prescription drugs (unless under the direction of a physician), controlled substances, and/or alcohol. Failure to meet this job requirement may constitute grounds for termination.

Section 902 – A confirmed positive finding resulting from a drug test administered under this policy shall constitute grounds for immediate termination.

Section 903 - An employee with a confirmed positive finding resulting from an alcohol test of .04 or greater shall be subject to immediate termination. An employee who tests .02 or higher but less than .04 will be suspended for the remainder of the work shift and referred to a substance abuse professional for evaluation. The employee will not return to work until after the evaluation is complete. If the substance abuse professional recommends a rehabilitation program, the employee shall be required to successfully complete the prescribed rehabilitation program. Following completion, the employee will be returned to work under the condition of being subject to drug and alcohol tests. If the employee tests positive for drugs or .02 or higher for alcohol anytime during this two-year period, he shall be immediately terminated.

Section 904 – An employee, terminated for violating this policy, may be eligible to reapply with the City six (6) months following clearance by a substance abuse professional and agreeing, in writing, to random drug and/or alcohol testing for two (2) years. If the employee tests positive for drugs or .02 or higher for alcohol anytime during this two-year period, he shall be immediately terminated.

Section 905 – The primary purpose for drug or alcohol testing is to ensure that public safety and the personal safety of City workers is not endangered as a result of drug or alcohol use.

Section 906 – As a condition of appointment, employees must submit to drug and alcohol tests and receive favorable results prior to beginning work in any position and if required, undergo a physical examination, at the City's expense. Amended 5-25-2010

Section 907 – Current City employees who are on call, operate mechanical equipment or drive a City vehicle shall be required to be drug and alcohol free during working and on call hours and are required to report to their supervisor any medications prescribed or taken which might impair their ability to safely operate equipment or vehicles.

Section 908 – Employees may be required to be drug and/or alcohol tested if the City has a reasonable suspicion that the employee is:

1. using illegal drugs or controlled substances or
2. using prescription drugs without or beyond the directions of a physician or
3. under the influence of alcohol during working hours or on call hours, (under the influence means having a level of alcohol concentration of .02 or higher).

“Reasonable suspicion” shall mean one or more of the following exists as determined by the Division Director or Supervisor in charge:

1. having more evidence supporting suspicion than refuting it; and/or
2. an apparent state of facts and/or circumstances which would lead a reasonable person to suspect an individual is using or recently used drugs, narcotics, or alcohol; and/or
3. a reasonable ground for believing in the existence of facts or circumstances warranting an order to submit to a drug and/or alcohol test.

Section 909 – Any employee involved in an accident while on duty may be required to submit to drug and/or alcohol tests.

Section 910 – Any employee who is criminally charged or convicted of selling drugs, illegal drug or alcohol consumption, or illegal possession of drugs may be terminated. An employee charged with violating any substance statute must report the charge to his Division Director within five (5) days.

Section 911 – So long as current disciplinary action has not been initiated or pending, any employee may identify themselves as an abuser of drugs and/or alcohol and, voluntarily, through a recognized treatment program approved by the City, seek counseling and rehabilitation. In these instances, the employee will be permitted the use of available leave. Employees undergoing treatment will be required to authorize disclosure of their progress in treatment to the Personnel Director. Employees who fail to actively participate in and comply with the rules of the rehabilitation program will be subject to immediate revocation of their leave and termination from employment. Employees who complete the prescribed rehabilitation program may conditionally return to their previous position provided they maintain the preventive course of conduct prescribed by their substance abuse professional and/or physician. In addition, employees reinstated under this policy must agree, in writing, to submit to random drug and/or alcohol testing for a period of two (2) years.

Employees who do not follow the program prescribed by their substance abuse professional and who fail to remain drug and/or alcohol free and engage in drug and/or alcohol use, will be subject to immediate termination. Employees will have only one opportunity to go through the rehabilitation program provided by the City’s Employee Assistance Program.

This section is not intended to provide a means for an employee to avoid any required alcohol and/or drug testing. Once the process of establishing reasonable suspicion or random testing has been initiated, or an accident or injury has occurred, an employee may not seek treatment in an effort to avoid testing and possible disciplinary action.

Section 912 – When an employee refuses a drug and/or alcohol test, it will be treated as insubordination and failure to obey a direct order and will be grounds for termination.

Section 913 – As a condition of appointment, all applicants for employment, must sign the “Applicant’s Certification and Agreement,” and submit to drug and/or alcohol tests prior to appointment and if required, undergo a physical examination, at the City’s expense.

Applicants who test positive for controlled substances are ineligible for employment and may not be eligible for employment with the City for a period of one (1) year following the positive test.

SECTION 1000 – GRIEVANCE PROCEDURE

Section 1001 – The purpose of the grievance procedure is to identify complaints and disputes that the employee, applicant or terminated employee believes have not been previously addressed or responded to through the preferred and expected process of normal employee and supervisor interaction. Any employee may make a written grievance about any work related matter, conduct, policy or oral reprimand or condition that the employee believes to be unfair or contrary to his best interest.

Open, fair and respectful communication and interaction is expected at all times between all City employees. A grievance may not be used to personally malign, slander or harass another employee or supervisor. It is essential the grievance process be conducted on a professional basis and promotes a process of civility and respect for all.

Section 1002 – All grievances must be in writing. The employee must designate in writing his choice of a representative if any, and their approval of this representative to be a party to the details and discussions associated with the grievance request.

In filing a grievance the employee shall provide no less than the following information:

1. a detailed written explanation of the concern or complaint including the date, time, place and person(s) involved in the particular incident;
2. the employee should also explain what actions or attempts he has made, to date, to bring the grievance matter or concern to the attention of the Department supervisors; and
3. what follow-up corrective action or response the employee desires or is recommending to be achieved as a result of the grievance and why.

Section 1003 – Grievances shall be presented first to the employee's immediate supervisor within ten (10) working days after the occurrence of the incident, problem or concern in question. Every attempt should be made to achieve a satisfactory solution to the grievance at this point.

Immediate supervisors and Division Directors will meet with aggrieved employee to aid in the investigation of the filed grievance. The City Manager is under no obligation to meet with the aggrieved employee if, in his opinion, it will not aid in his investigation or decision on the matter.

Section 1004 – If a satisfactory solution is not developed, or the response is not satisfactory to the employee or applicant, he may appeal the grievance to the next level of supervision including the Division Director and City Manager. At each level the employee and supervisors have ten (10) working days after receipt of the response to file a written appeal or response. If no action is taken by the City Manager the grievance shall be considered denied. The City Manager is the final step of the grievance procedure.

SECTION 1100 – WORKPLACE VIOLENCE AND WEAPONS POLICY

Section 1101 – The City of Vernon is committed to providing a safe and healthy workplace for the benefit of its employees and the general public. Employees have the right to work in an environment free of violence. The City of Vernon is also committed to preventing violence against persons receiving City services and participating in City Programs. Therefore, the City of Vernon has zero tolerance of workplace violence. All employees of the City are expected to treat each other, their customers, clients, and all others with courtesy, dignity and respect.

Section 1102 – Violence, as the term is used in this policy, includes written or verbal communications, whether direct or indirect, which are of a threatening, intimidating or coercive nature; the use or threat of physical force, including fighting or horseplay; stalking; vandalism or destruction of property. It does not include intimidating language used by a supervisor in the reasonable correction of an employee's failure to follow rules or orders.

Section 1103 – It is the policy of the City of Vernon that no employee, other than those specifically authorized by the City for a particular work assignment, shall carry on or about their person, on City premises or at a City work site, any instrument or weapon that is specifically designed, made or adapted for the purpose of inflicting serious bodily injury or death but will allow employees to have a firearm in their locked vehicle parked on city property. It will not allow them to have a firearm on any other city property including but not limited to, city-owned vehicles and buildings. This includes but is not limited to clubs, firearms, handguns, illegal knives, explosives, crossbows, bows and arrows, throwing stars and knuckles. This prohibition includes concealed handguns, even though the employee may be duly licensed by the State of Texas to carry a concealed handgun. This does not include bona fide tools used by an employee in the normal course of his duties, when using the tool in the manner that it was designed to be used on City property.

Section 1104 – All employees are responsible for promptly reporting violations of this policy to their supervisors and, where appropriate, to law enforcement authorities. The Personnel Director is responsible for investigating allegations of violations of this policy.

Section 1105 – Employees who violate this policy are subject to disciplinary action, up to and including termination.

SECTION 1200 - HARASSMENT & DISCRIMINATION POLICY

Section 1201 - It is unlawful and against City Policy for City employees to discriminate and/or harass employees, citizens, contractors and vendors of the City based on age, gender, race, religion, ethnicity, national origin, veteran status, disability, or other protected trait.

Section 1202 – It is illegal and against City policy for any employee, male or female, to sexually harass any other employees, citizens, contractors and vendors of the City. Sexual harassment is defined as any unsolicited offensive behavior that:

1. makes submission to the behavior an explicit or implicit term or condition of employment; or
2. submission to or rejection of the behavior is used as the basis for an employment decision; or
3. the behavior unreasonably interferes with an individual's work performance or creates intimidating, hostile or offensive working environment.

Section 1203 - Any employee who believes he has been the subject of unlawful harassment or discrimination should immediately report the alleged act to his Supervisor, or Division Director and the Personnel Director without fear of reprisal.

Section 1204 - The complaint may be either oral or written. However, oral reports of harassment or discrimination must be reduced to writing either by the complainant or the Personnel Director, and must be signed by the complainant. Complainants have a duty to cooperate with the investigation.

Section 1205 - Upon receipt of the complaint, the Personnel Director will promptly conduct an investigation of the allegation(s). Complaints and investigations will be held discreetly, but confidentiality is not assured due to the rights of the accused and other laws. Any employee found, after appropriate investigation, to have unlawfully harassed or discriminated against another employee will be subject to prompt disciplinary action.

Section 1206 – The City recognizes that investigations require factual determinations based on all facts. Given the nature of harassment and discrimination, the City also recognizes that false accusations can have serious effects on innocent women and men. The false reporting of a claim or complaint may result in disciplinary action up to and including termination.

SECTION 1300 – AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

Section 1301 – It shall be the policy of the City of Vernon that qualified individuals with disabilities is given the same considerations for employment given those without disabilities. An individual who is qualified for an employment opportunity shall not be denied that opportunity due to the disability unless providing a reasonable accommodation would impose an undue hardship on the City or the person with a disability would be a danger to self or others in the job position under consideration.

Section 1302 - The following definitions shall apply to this policy:

1. there are three categories of reasonable accommodation. These are:
 - (a) accommodations that ensure equal opportunity in the application process;
 - (b) accommodations which enable a qualified individual with disabilities to perform the essential functions of the position held or desired; and
 - (c) accommodations which enable a qualified individual with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities.
2. “undue hardship” means significant difficulty or expense in, or resulting from, providing reasonable accommodations to an otherwise qualified individual with a disability.
3. a “qualified” individual with a disability is an individual who can perform the essential functions of the position held or desired with or without reasonable accommodation.

Section 1303 – A reasonable accommodation may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities, job restructuring, modified work schedules, reassignment to vacant positions, acquisition or modification of equipment or devices, adjustment or modification of examinations or training materials to enable the individual with a disability to compete for or perform the essential functions of the position.

Section 1304 – The Director of Personnel shall meet with any qualified applicant or employee who requests an accommodation. The following steps shall be taken to determine, on a case-by-case basis, if a reasonable accommodation is possible:

1. determine whether the person is a qualified individual;
2. the particular job will be analyzed to determine its purpose and essential function;
3. the disabled individual will be consulted to ascertain the precise job-related limitations imposed by the disability and how those limitations might be accommodated;
4. with the disabled individual’s assistance, potential accommodations will be identified and assessed as to the effectiveness of each in enabling the individual to perform the essential functions of the job;
5. the disabled individual’s accommodation preferences shall be considered in order to select and implement the accommodation most appropriate for both the employee and the

City, but an applicant or employee cannot dictate that a particular reasonable accommodation be used if several are available; and

6. safety of the individual and others.

Section 1305 – The result of the above process shall be used to document if a particular accommodation would create an undue hardship. The following factors will be considered in determining an undue hardship or any actions requiring significant difficulty or expense, taking into account:

1. the nature and cost of the accommodation required;
2. the financial resources of the City;
3. the effect of the reasonable accommodation on expenses and resources;
4. the impact of the accommodation on the operation of the City; and
5. the existing spatial and operating parameters and/or constraints of the affected worksite.

Section 1306 – Appeals from complaints of discrimination resulting from the application of this policy may be filed with the City Manager under the grievance procedure. The City Manager shall have the authority to order remedial action in the event such action is warranted.

SECTION 1400 – TECHNOLOGY, SOCIAL MEDIA & NETWORKING POLICY

Section 1401 – The City maintains computers, peripheral equipment software, Internet access, and electronic mail systems to assist in conducting City business. The hardware, software, Internet access and e-mail services are City property. No employee should have any expectation of privacy as to computer files, Internet and e-mail messages.

Section 1402 – Copying of City licensed software for use on other computer systems is a violation of the license agreement, subject to civil and criminal penalties, and strictly prohibited.

Section 1403 – Employees may not intentionally intercept, eavesdrop, record, read, alter or receive other persons' e-mail messages without proper authorization. However, the City, through authorization of the City Manager reserves the right to review the contents of employee's computer drives, including e-mail communications, as deemed necessary.

Section 1404 – City owned computers are not to be used to:

1. display, archive, store, distribute, edit or record any kind of sexually explicit image or document regardless of file type or format;
2. obligate the City to any cost or charge without prior authorization of the Division Director;
3. store or send any offensive or disruptive messages, such as messages containing sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability;
4. send or receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization;
5. send harassing or threatening messages;
6. obtain personal profit or engage in political activity on behalf of any candidate or cause; and
7. engage in any activity, which would bring discredit upon the City of Vernon.

Section 1405 – This policy applies to all employees, contractors, part-time employees, and volunteers who may have access to City owned computers, e-mail or Internet. Third parties shall only be provided access to these systems as necessary for their business purpose with the City. Contractors and third-party users who violate this policy may be removed from the system and/or have their contract revoked. In addition, other legal remedies may be pursued.

Section 1406 – The misuse of City owned computers, peripherals, e-mail, or Internet privileges may be grounds for discipline, including termination, and may be referred for criminal prosecution.

Section 1407 - The City of Vernon Acceptable Use Policy specifies policy for the use of information resources and information technology systems. Enforcement of this acceptable use policy is consistent with the policies and procedures of this organization.

Being informed is a shared responsibility for all users of City of Vernon information systems. Being informed means, for example:

- Knowing acceptable use policies and other related rules and policies,
- Knowing how to protect your data and data that you are responsible for,
- Knowing how to use shared resources without damaging them,
- Knowing how to keep current with software updates,
- Knowing how to report a virus warning, a hoax, or other suspicious activity, and
- Participating in training.

Compliance with this policy is mandatory for all officials, employees and contractors of this organization. This policy applies to all City of Vernon information, computer systems and data that is used for official City of Vernon business regardless of its location.

Authorized Use: Users must not use other user's passwords, user ids or accounts or attempt to capture or guess other users passwords. Users are also restricted from using business equipment for personal use, without authorization from the City Manager. Users must not hide their identity for malicious purposes or assume the identity of another user.

Privacy: User files may be subject to access by authorized employees of the City of Vernon during the course of official business. Accordingly, users should have no expectation of privacy in reference to their use of city owned computer hardware or software and their activity may be monitored.

Restricted Access: Users must not attempt to access restricted files or portions of operating systems, security systems, or administrative systems to which they have not been given authorization. Accordingly, users must not access without authorization: electronic mail, data, or programs or information protected under state and federal laws. Users must not release another person's restricted information.

Proper Use of Resources: Users should recognize that computing resources are limited and user activity may have an impact on the entire network. They must not:

- Misuse mail – spread email widely (chain letter) and without good purpose (“spamming”) or flood individual, group, or system with numerous or large email messages (“bombing”), or
- Use streaming audio, video or real time applications such as stock ticker, weather monitoring or Internet radio.

Protecting Information and Shared Resources:

All officials, employees, and contractors who have access to the City of Vernon information resources should make every effort to protect sensitive personal information contained on City owned computer hardware or software systems. Any suspected breach of sensitive personal information should be immediately reported to the Finance Director and City Manager. Unauthorized use of sensitive personal information contained on City

owned computer hardware or software systems is grounds for disciplinary action up to and including termination of employment.

Users must:

- Follow established procedures for protecting files, including managing passwords, using encryption technology, and storing backup copies of files.
- Protect the physical and electronic integrity of equipment, networks, software, and accounts on any equipment that is used for City of Vernon business in any location.
- Exercise care when drafting all communications, whether personal or professional.
- Use discretion when visiting non-business related websites.
- Not open email from unknown senders or email that seems suspicious.
- Not knowingly introduce worms or viruses or other malicious code into the system nor disable protective measures ie: anti-virus, spy ware firewalls.
- Not send restricted or confidential data over the Internet or off the locally managed network unless appropriately encrypted.
- Not use internet collected games, or any other personal entertainment type activity.

Division Directors have the authority to restrict use of any unauthorized software application, equipment and/or media which may compromise security of city owned technology. Equipment and/or media which might be prohibited include but is not limited to: laptops, thumb drives, removable drives, wireless access points, pda's, and mp3 players.

Civility: Users must not harass other users using computer resources, or make repeated unwelcome contacts with other users. Users must not display material that is inappropriate in an office environment for example, consistent with City of Vernon policies.

Users must obey local, state, and federal laws including laws on copyright and other intellectual property laws.

Section 1408 – Social Media and Networking Policy

Statement of Purpose

The City of Vernon supports the employees' rights to engage in personal internet based activities, but reminds employees to exercise good judgment by safeguarding themselves accordingly by not participating in any conduct that is likely to have an adverse effect on their integrity as an employee, or the reputation of the City of Vernon as a whole. Therefore, employees are responsible for all content posted on or to any social networking site or media including that of another person once they become aware of it.

The purpose of this order is to provide employees with clear guidelines when participating on personal social networking websites, web pages or other type of social media. It is not the agency's intent to deter or prohibit employees from participating, accessing, or posting

to these sites, but to make sure an employee's personal activities do not infringe upon the integrity or security of the City's operations, other employees or the citizens, and otherwise preserve and protect the professional interests of the City of Vernon. Employees must remember that their conduct both on and off duty is held to a higher standard and this includes their conduct in relation to social media networking sites.

Definitions

Social Media: A variety of online sources that allow people to communicate, share information, share photos, videos, audio, and exchange text or other multimedia files (i.e. YouTube).

Social media network sites are considered public and employees should pause before posting.

Social Networking Site: Any internet based website where members of that site can electronically gather to share personal profiles along with other information and photos with other members. Social networking sites include, but are not limited to MySpace, Facebook, Twitter, Instant Messaging, Flickr.com, tagged.com, etc.

Policy

- A. Employees are discouraged from posting on their personal social networking site any inappropriate content - this includes any illegal or illicit behavior whether depicted in words, links, or photos. Employees should not hold themselves out as representatives of the City when posting. Postings which bring discredit to the City of Vernon or any of its employees may be subject to disciplinary action.
- B. Employees shall not use, publish, distribute, post, transmit or disseminate any official agency information, agency documents, photographs, speeches, reports, communications, videos or evidence obtained in connection with an employee's official performance or duty, or while acting under the color of law.
- C. No employee shall comment, post or communicate, directly or indirectly, on any contact, incident, event, investigation, tactic policy, procedure, rule, or other occurrence dispatched, investigated, responded to or otherwise involving the City of Vernon, or others working in conjunction with or cooperatively with the City of Vernon.
- D. Never comment on the City's legal issues online. This could waive attorney-client privilege related to those matters.
- E. Never post confidential information.
- F. Avoid endorsing people or products online.⁶⁺
- G. Any employee becoming aware of or having knowledge of any violation of this policy shall notify their supervisor immediately for follow-up action

- H. The City of Vernon recognizes that many individual employees use social media sites for their own purposes. This policy extends to individual employee sites and social media pages, and employees may be subject to disciplinary action for internet postings that could impair the public's confidence in the operation of city government or the performance of the individual employee.
- I. Consistent with the City of Vernon's other policies, incidental and occasional personal use of social media is permitted during work hours provided it is very limited in duration and does not have a detrimental effect on employee productivity.
- J. City resources, property, work time, social media tools, and a City of Vernon employee's official position shall not be used for personal profit or a business interest. For example, a building inspector may not use the City of Vernon's logo, graphics, trademarks, likeness, email, work time, or any other City of Vernon property to promote a side business as a plumber.
- K. City resources, property, work time, social media tools, and a City of Vernon employee's official position shall not be used to participate in political activity. A City of Vernon employee cannot use the City of Vernon's logo, graphics, trademarks, likeness, email, work time, or any other City of Vernon property to:
 - 1. publicly endorse or campaign in any manner for any person seeking a City of Vernon public office.
 - 2. use the employee's position or office to coerce political support from employees or citizens.
 - 3. use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
 - 4. make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Commission or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions and to cast his or her vote.
 - 5. be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
 - 6. contribute money, labor time or other valuable thing to any person for City election purposes, except as permitted by law.
- L. City of Vernon employees' personal sites on social media may not be designed in such a way as to cause users to believe the site is City-administered or endorsed by the City of Vernon, including unauthorized use of City logos and trademarks.

- M. City of Vernon employees may not attribute personal statements or opinions to the City when engaging in private blogging or postings on social media sites.
- N. City of Vernon employees, City of Vernon contract employees, and City of Vernon volunteers shall not use their City of Vernon email account or password in conjunction with a personal social networking site.
- O. City of Vernon employees, City of Vernon contract employees, and City of Vernon volunteers shall not post images, files or text depicting City of Vernon property, equipment, or personnel in any manner that would adversely affect the reputation of the City of Vernon or a City department.
- P. The following guidelines apply to personal communications using various forms of social media:
 - 1. Use common sense when using social media sites. Remember what you write is public, may be public for a long time, and may spread to large audiences. Refrain from posting information that you would not want your supervisor or other employees to read or that you would be embarrassed to see in the newspaper or on television.
 - 2. The City of Vernon expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City of Vernon. Employees shall not engage in name-calling or personal attacks or other such demeaning behavior.

Disciplinary Actions

Any material considered in violation of this guideline that is located on any employee's personal social networking site or posted by an employee to any social media will be asked to remove the material.

Violations of this order are subject to disciplinary action up to and including termination.

SECTION 1500 – WORKPLACE PRIVACY POLICY

Section 1501 – The workplace is owned by the City of Vernon. All facilities, vehicles, fixtures and devices owned, leased or rented or provided by the City of Vernon may be inspected, searched, or reviewed at any time by the City Manager or his designee. This may be done with or without your presence. Refusal to cooperate with a search under this policy will be considered insubordination and is ground for disciplinary action including termination.

Section 1502 – All workplace technology such as telephone systems, computers, e-mail and voice mail systems, fax, answering machines and peripherals are owned by the City of Vernon. All communications over and activity conducted on the City owned systems are property of the City. If you bring your own technology device to use at work, then it becomes subject to this policy.

Section 1503 – Passwords used by employees are to prevent unauthorized access by other employees, but should not be construed as creating an expectation of privacy for the employee that used the password. Employees have no expectation of personal privacy when using City owned property or systems.

SECTION 1600 - WORKING CONDITIONS & SAFETY

Section 1601 – Working conditions: Division Directors shall cooperate with employees and others to promote measures directed toward more sanitary, safe and healthful working conditions, and toward greater security.

Section 1602 – Safety Officer: Each Division Director shall appoint a safety officer in each department who is responsible for developing and carrying out an aggressive program for safety education and training. All employees are required to take every precaution in the prevention of accidents to themselves, their fellow employees and the general public. Departments shall actively cooperate in implementing safety programs as initiated by their safety officer.

Section 1603 – All employees will use every precaution in the prevention of accidents to themselves or other employees, and are charged with the responsibility of the proper operation of all equipment used in the normal function of their duties.

Section 1604 – Accident/Incident Review Board: The City of Vernon promotes a philosophy that most vehicle accidents are preventable if all employees would exercise defensive driving techniques and common sense. This Board reviews the actions of City employees involved in vehicle accidents. It is responsible for determining if accidents were preventable through the use of defensive driving techniques. If City employees are at fault, causing or contributing to the accident, the Board shall recommend to the employee's Division Director disciplinary action based upon the Board's rules.

The Board also reviews non-vehicle accidents where injury or damage to City property occurred. These incidents that resulted in injury or damage to City property shall be administered in accordance to the Board's rules.

Section 1605 – Employees must report all accidents and incidents immediately to his supervisor regardless of magnitude.

SECTION 1700 - BENEFITS CONTINUATION

Section 1701 – Employees who were employed before August 27, 2002 and retire from municipal service, may retain their health and dental benefits as covered by the City's Employee Benefits Trust. For employees who were employed after August 27, 2002 and retire from municipal service must have at least twenty-five (25) years of service with the City to retain their health and dental benefits as covered by the City's Employee Benefits Trust. And employees who were employed after May 22, 2007, shall not be eligible for health and dental benefits continuation after retirement. If an employee meets the above eligibility guidelines, then the employee must invoke his or her right to this benefit upon separation from employment with the City of Vernon. If the eligible retiree has dependent's coverage at the time of retirement, that coverage may also be retained. However, when a retiree reaches the age of sixty-five (65), Medicare must become the primary coverage with the City's coverage becoming secondary.

Section 1702 – The Employee Benefits Trust Board will establish the cost of the coverage. The premiums for the continuation of Health and Dental Care and Life Insurance will be due and payable by the 10th of each month for the next month's coverage. The office of the Finance Director shall collect these payments.

Section 1703 – Sick Leave Pool

- A. A sick leave pool is established within the City to benefit qualified employees for his/her own catastrophic illness or injury.
- B. A catastrophic illness or injury is defined as a severe condition or combination of conditions that:
 - 1. Affects the physical or mental health of an employee; and
 - 2. Requires the services of a licensed practitioner for a prolonged period of time; and
 - 3. Causes the employee to exhaust all leave time earned (sick leave, vacation leave, holiday leave, compensatory time) and to lose compensation from the City.
 - 4. "Catastrophic Illness or Injury" refers to a life-threatening or debilitating personal illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital or similar facility, or continuing treatment by a health care provider. Examples include cancer, complications arising from major surgery, serious accidents, heart attacks, long-term hospitalization and other situations that pose a threat to life or render the employee incapable of performing the duties of their job. Short term conditions requiring brief treatment and recovery (for example, flu, measles, normal childbirth, broken bones, elective surgeries, on-the-job injuries, etc.) are not considered to be a catastrophic illness or injury for purposes of this program.

- C. The City Secretary is the pool administrator and will review all donations of times and all request for time.
1. The pool administrator may require a statement from physician or other health provider, indicating that the employee is unable to work. A second opinion may be requested.
 2. The Employee Benefit Trust Committee reviews requests for leave and makes rulings on those requests.
 3. Request cannot exceed 240 hours for a specific request.
- D. Eligibility to Apply for Pool Leave
1. Donation of four hours of **vacation leave** annually during open enrollment.
 2. Satisfactory attendance and performance record.
 3. Sufficient information from a healthcare provider to confirm a catastrophic illness/injury exists.
 4. All paid leave exhausted.
 5. Must elect to participate following the completion of benefits waiting period, if a new employee, and must elect to donate four (4) hours of vacation when completing new employee benefits enrollment.
 6. The Employee Benefit Trust Committee will determine based on the pool balance, the nature of the injury or illness, and underlying circumstances, the amount of pool leave granted to the employee.
 7. Eligibility to Donate Time
 8. An employee may not designate a particular employee to receive their donated time.
 9. Once an employee has donated time to the pool, he/she cannot get it back unless he/she makes a request and is eligible to use time from the sick leave pool and is granted time from the sick leave pool.

E. ANY EXCEPTIONS MUST BE APPROVED BY THE CITY MANAGER

