

ORDINANCE NO. 3566

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL WITH AMENDMENTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE OF APRIL 1, 2003.

WHEREAS, pursuant to the City's Charter, Article IX-A, Section 6, the Human Resources Department presented the Personnel Board with the General Government Policies and Procedures Manual (Manual) with amendments on February 12, 2003; and

WHEREAS, the Personnel Board voted to recommend the adoption of the Manual with amendments; and

WHEREAS, the City Manager presented the recommended Manual with amendments to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City Council of the City of Mesquite hereby adopts the General Government Policies and Procedures Manual with amendments, attached hereto as Exhibit "A", as recommended by the Personnel Board and presented by the City Manager.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That the policy and procedures contained in the General Government Policies and Procedures Manual are not intended to create contractual rights between the City of Mesquite and its employees.

SECTION 5. That upon passage of this ordinance all employees of the City of Mesquite shall be notified of the manual and all amendments made herein to the General Government Policies and Procedures Manual.

SECTION 6. That the ordinance shall become effective on and after April 1, 2003.

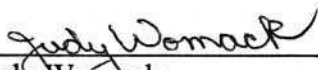
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 17th day of March, 2003.



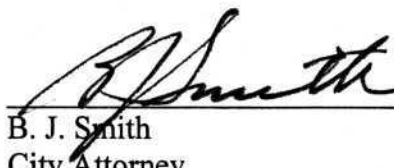
Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

EXHIBIT "A"



**MESQUITE
T•E•X•A•S**

**GENERAL GOVERNMENT
POLICIES AND PROCEDURES
MANUAL**

Issued April 2003

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City of Mesquite General Government Policies and Procedures Manual

Issued: April 2003

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CHAPTER 1 POLICIES AND PROCEDURES

I. POLICY MANUAL

This manual sets forth the policies and procedures established to assist in the administration of the General Government Civil Service Rules as established in "Article IX, Section 6, Charter of the City of Mesquite." The provisions of this manual are not intended to create contractual rights between the City of Mesquite and its employees.

II. PURPOSE OF THIS MANUAL

The purpose of this manual is to generally describe the human resources process and set forth policies and procedures to be followed by the City of Mesquite in the administration of its human resources program. No manual can anticipate all circumstances that may arise. Actions taken where this manual is silent are the prerogative of the City Manager.

III. MANUAL REVISIONS

Proposed manual revisions will be prepared by the Human Resources Director and referred to the Personnel Board who will make its recommendations. The City Manager will present the revisions to the City Council, and the Council may, by ordinance, adopt them with or without changes.

IV. OBJECTIVES

The objectives of this manual are as follows:

1. To promote and increase productivity, efficiency, responsiveness to the public, and economy in the City
2. To provide equal opportunity for qualified persons to enter and progress in the City service in a manner based on qualifications and fitness as determined through objective evaluation techniques
3. To maintain recruitment, advancement, and tenure practices which enhance attractiveness of a City career

4. To establish a framework which will allow retention of employees based on performance and separation of employees whose inadequate performance cannot be corrected
5. To foster high morale
6. To protect employees against coercion for partisan political purposes and prohibit them from using their positions with the City for the purpose of interfering with or affecting the results of an election or nomination for office

V. HUMAN RESOURCES DIRECTOR

There shall be a Human Resources Director, appointed by the City Manager, who shall administer the human resources system in compliance with applicable policies and procedures. The Human Resources Director shall have the required training and experience as described in the City's job description.

The Human Resources Director serves as administrator and coordinator of the Personnel Board.

VI. HOURS SCHEDULED TO WORK

The terms full-time and part-time refer to the scheduling of hours anticipated to be worked by the employee.

VII. UNCLASSIFIED APPOINTMENT

The unclassified service shall be comprised of the following positions which, by City Charter, are restricted from utilizing the City's Trial Board appeal process:

Officers, employees, members of boards, or other persons who are appointed by the City Council
Directors of departments or organizational equivalents
Assistant city managers
Administrative assistants
Administrative aides
Seasonal employees
Part-time

CHAPTER 1 POLICIES AND PROCEDURES

VIII. CLASSIFIED APPOINTMENT

All positions not designated as unclassified. Members of the classified service may appeal to the City's Trial Board for a review of human resources actions as set forth in the City's disciplinary policy.

IX. EMPLOYMENT CATEGORIES

1. **Probationary Appointment**
 - a. Employees who have yet to successfully complete their original probation period and who regularly work not less than 40 hours per workweek.
 - b. Eligible to receive full benefits as specified herein.
2. **Regular Full-Time Appointment**
 - a. Employees who have successfully completed their original probation period and who regularly work not less than 40 hours per workweek.
 - b. Eligible to receive full benefits as specified herein.
3. **Part-Time Appointment**
 - a. An "At-Will" appointment who regularly works less than 40 hours per workweek.
 - b. May receive limited benefits based on the number of hours worked.
4. **Seasonal Appointment**
 - a. An "At-Will" appointment for a specified period of time, normally less than one year.
 - b. May receive limited benefits based on the number of hours worked.

X. POLITICAL ACTIVITY

Except as otherwise provided by laws, employees will refrain from using their positions for or against any candidate for public office. Employees shall not directly or indirectly coerce, attempt to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, or person for political purposes. No employee may seek or hold an appointive or elective

City office. No employee may seek or hold an office of public trust, or partisan office in any jurisdiction where such service would constitute a conflict of interest with City employment, with or without remuneration. If an employee decides to seek or assume such office, then that person shall resign from City service or will be dismissed for failure to do so.

XI. AGE REQUIREMENT

The minimum age for a full-time appointment shall be eighteen (18). All other appointments shall be in compliance with applicable state and federal child labor regulations.

XII. SCOPE

The policies contained in this manual apply to General Government Civil Service Employees. Commissioned members of the Fire and Police Departments are governed by State of Texas Fire and Police Civil Service provisions as contained in the Texas Local Government code. Policies contained in this manual which are not in conflict with the Fire and Police Civil Service Act shall also be controlling and applicable to all commissioned employees of the Fire and Police Departments.

XIII. PERSONNEL BOARD

There shall be a Personnel Board consisting of three members appointed to serve three-year terms by the City Council in accordance with provisions of the City Charter and these policies. The Personnel Board will also serve as the Trial Board in matters relating to the General Government employees. The Personnel Board will also serve as the Civil Service Commission in matters under its jurisdiction for commissioned members of the Police and Fire Departments.

**CHAPTER 2
EMPLOYEE RECORDS**

**I.
EMPLOYEE RECORDS**

The Human Resources Director shall develop and maintain a system of records necessary to efficiently administer the personnel program. The Human Resources Director is responsible for ensuring the accuracy and integrity of the City's personnel records.

**II.
OFFICIAL PERSONNEL FILE**

The Human Resources Department shall maintain the official personnel file for all employees. It is the responsibility of supervisors to ensure that all necessary documentation is forwarded to the Human Resources Department for inclusion in the employee's file. The Human Resources Director is responsible for ensuring documents of an evaluative or negative nature clearly indicate the employee is aware of the document prior to placement in the employee's personnel file. The Human Resources Director shall determine the appropriateness of placement of documents in an employee's personnel file.

**III.
EMPLOYEE PRIVACY**

The Human Resources Director shall establish procedures necessary to preserve the privacy of employee information as required by applicable state and federal legislation. Access to privileged or confidential employee records shall be based on the need to know as determined by the Human Resources Director.

The Texas Open Records Act permits an employee or official of a governmental body to dictate whether the public shall have access to the employee's home address and telephone number by submitting a written notice to the Human Resources Director. No employee's home address and telephone number may be disclosed to the public without approval by the Human Resources Director.

**IV.
PERSONNEL FILE REVIEW**

Upon proper request, the Human Resources Department will, during normal office hours, allow access to information contained in personnel files which is not prohibited from disclosure by the Texas Open Records Act. All files will be reviewed in the presence of a Human Resources Department employee. No document may be removed, entered, or copied without prior permission of the Human Resources Department.

**V.
DUPLICATION OF RECORDS**

Requests for copies of employee records will be handled in accordance with the Texas Open Records Act.

**VI.
CURRENCY OF RECORDS**

Employees shall notify the Human Resources Department, on the appropriate forms, of any change in the following:

1. Home address
2. Home phone number
3. Beneficiary status
4. Name
5. Social security number
6. Drivers license number or type of license
7. Tax withholding

**VII.
CONFIDENTIALITY OF RECORDS**

Except in cases where information contained in personnel files is required to be disclosed under the Texas Open Records Act, or unless otherwise provided by law or this manual, personnel records and employee's files will be considered confidential. All documents and information submitted during the employment process and during employment are the property of the City of Mesquite.

CHAPTER 3
GENERAL PROVISIONS

I.
FAMILY AND MEDICAL LEAVE

1. Definitions

- a. Eligible Employee: An employee who has been employed with the City of Mesquite for at least 12 months. The employee must have worked at least 1,250 hours of service during the previous 12-month period.
- b. 12-Month Period: A rolling 12-month period measured backward from the date leave is taken and continuous with each additional day leave is taken.
- c. Hours of Service: Hours of service will be determined by applying Section 7 of the Fair Labor Standards Act.
- d. Immediate Family Member: An employee's spouse, son, daughter, or parents.
- e. Son or Daughter: A biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*, who is (1) under 18 years of age, or (2) 18 years or older and incapable of self care because of a mental or physical disability.
- f. Parent: A biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter.
- g. Spouse: A husband or wife as defined or recognized under state law for purposes of marriage, including common-law marriage in states where it is recognized.
- h. Serious Health Condition: An illness, injury, impairment, or physical and medical condition requiring:
 - 1) inpatient care in a hospital, hospice, or residential, medical-care facility or
 - 2) any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a healthcare provider; or
 - 3) continuing treatment by a health-care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
 - 4) prenatal care by a healthcare provider.
- i. Accrued Leave: The balance of leave on the books at the time leave begins.
- j. Continuing Treatment:
 - 1) two or more visits to a healthcare provider; or
 - 2) two or more treatments by a healthcare practitioner on referral from, or under the direction of, a healthcare provider, or
 - 3) a single visit to a healthcare provider that results in a regimen of continuing treatment; or
 - 4) in the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a healthcare provider.
- k. Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which he or she practices. Anyone determined by the secretary of labor to be capable of providing healthcare services will also qualify as a healthcare provider. Included are: 1) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct subluxation as demonstrated by X-ray to exist) authorized to practice in the state; 2) nurse practitioners and midwives who are authorized to practice in the state; and 3) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Mass.
- l. Certification: An employee who requests leave because of a serious

CHAPTER 3
GENERAL PROVISIONS

health condition or to care for a spouse, child, or parent with a serious health condition may be required to support the leave request with a certification issued by a healthcare provider.

2. **Coverage and Eligibility**

a. To be eligible for family/medical leave an employee must:

- 1) have worked for the City of Mesquite for at least 12 months; and
- 2) have worked at least 1,250 hours over the previous 12-month period.

3. **Types of Leave**

a. Eligible Circumstances: Eligible employees are entitled to 12 weeks of leave per year for:

- 1) birth of the employee's son or daughter and care of the infant;
- 2) placement of a son or daughter with the employee for adoption or foster care;
- 3) care of a spouse, son, daughter, or parent of the employee if the spouse, son, daughter, or parent has a serious health condition; or
- 4) employee's own serious health condition which makes the employee unable to perform the functions of his or her job.

b. Birth, Adoption, or Foster Care: Leave for the birth, adoption, or placement of a foster child must be taken within 12 months of the birth or placement.

c. Spouses Both Employed by the City: Spouses both employed by the City are jointly entitled to a combined total of 12 weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

d. Paid and Unpaid Leave: Employees will be required to use eligible paid or accrued leave, including but not limited to workers' compensation, sick leave, vacation leave, and compensatory time before unpaid leave will begin. The total of paid and unpaid leave may not

exceed 12 weeks per 12-month period. Paid leave will be administered in the following manner:

1) Paid leave for an employee's serious illness: Accrued sick leave must be used first, vacation leave must be used after all accrued sick leave has been exhausted, and any accrued compensatory time must then be exhausted. All leave taken under workers' compensation will be counted as family/medical leave and takes precedence over any accrued leave usage. Once all paid leave is exhausted, unpaid leave may be taken for a combined total of paid and unpaid leave of up to 12 weeks of absence in a 12-month period.

2) Paid leave for serious illness of a spouse, son, daughter, or parent: Emergency leave must be used first, followed by accrued vacation leave and accrued compensatory time. Once all vacation and compensatory time is exhausted, unpaid leave may be taken for a combined total of paid and unpaid leave for up to 12 weeks of absence in a 12-month period.

e. Intermittent or Reduced Leave:

1) An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced-leave schedule to care for an eligible family member with a serious health condition or because of a serious health condition of the employee, when medically necessary.

2) The smallest increment of time an employee may request is one hour.

3) An employee may take intermittent or reduced leave for birth, adoption, or placement of a foster child only with the department's approval.

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- 4) Where intermittent or reduced leave must be provided, the employee may be required to temporarily transfer to an available alternative position which provides equivalent pay and benefits, if the alternative position better accommodates the intermittent or reduced work schedule.

4. Leave Requests

a. Supervisor Responsibility:

- 1) Supervisors are required to refer all requests for leave which appear to conform to the guidelines for family/medical leave to the Human Resources Department to determine eligibility for family/medical leave. Original requests for leave and requests for extension of leave should be received in the Human Resources Department no later than two (2) workdays following departmental notification of the request.
- 2) All requests for unpaid leave must be referred to the Human Resources Department.
- 3) Departments are responsible for properly coding leave in the time reporting system as paid or unpaid family/medical leave.
- 4) All medical information received by the department must be forwarded to the Human Resources Department marked *Personal and Confidential* to be filed.
- 5) Supervisors who do not comply with this policy will be subject to disciplinary action.

b. Employee Responsibility:

- 1) Employees are required to give 30 days' notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form must be completed by the employee and returned to the Human Resources Department.

In unexpected or unforeseen situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" form.

- 2) An employee who fails to give 30 days' notice for a foreseeable leave, with no reasonable excuse for the delay, will be denied leave until 30 days after the employee provides notice.
- 3) An employee must attempt to schedule treatment so that it will not unduly disrupt the employer's operation for leave which is needed for care of an immediate family member or the employee's own illness and is planned, medical treatment.
- 4) Employees on leave must report their current status (via telephone) to their department every week.

c. Human Resources Responsibility

- 1) The Human Resources Department is responsible for determining all employee leaves of absence which may meet the qualifications of the FMLA.
- 2) Absent a formal employee request, if it is determined by the Human Resources Department that an employee's leave of absence is covered by the FMLA, the employee will be notified of such in writing.

5. Certification of Medical Leave

- a. Employees using family/medical leave are required to supply a completed "Physician or Practitioner Certification" form supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Leave or continuation of leave may be denied if certification is not received.

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GENERAL PROVISIONS

- b. The City may require additional medical opinions at the City's expense.
 - c. The City may require periodic recertification of the employee's or family member's serious health condition.
 - d. All medical information related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.
 - e. Employees may not perform work for other employers or self-employment while using family/medical leave.
6. **FMLA Leave and Benefits**
- a. Accrual of Benefits: Benefits typically accrued by employees, including but not limited to vacation leave and sick leave, will cease accruing during family/medical leave.
 - b. Continuation of Health Care Coverage under the Group Medical Plan: Coverage under the City's Group Medical Plan and Group Term Life Insurance will continue in the same manner they would have had the employee been continuously at work during the leave period.
 - 1) Premium payments normally made by the employee must continue to be paid by the employee while on family/medical leave. Employee premium amounts are subject to any change in rates that occurs while the employee is on leave.
 - 2) Premium payments that are more than 30 days late will result in termination of coverage.
 - 3) The City will seek reimbursement of premium payments made (during the period of leave) by the City for the employee's insurance coverage if the employee does not return to work from family/medical leave for reasons other than 1) the continuation of a serious health condition of the employee or a covered family

- member or 2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason).
- c. An employee may not be penalized for using family/medical leave. Unacceptable actions include reducing incentive pay, base pay, longevity pay, and giving poor performance reviews due to the family/medical leave.

7. **Job Reinstatement**

- a. An employee who returns to work within 12 weeks following family/medical leave will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status, and authority.
- b. An employee who fails to return to work within 12 weeks following family/medical leave may be reinstated to his/her same or equivalent position, only if available, in accordance with applicable laws. If a same or similar position is unavailable, the employee may be terminated.
- c. The Human Resources Department may require the employee to see the City Physician for a "fitness-for-duty" determination.

II.
EMPLOYEE REFERENCES

- 1. **General Policy:** It is the policy of the City of Mesquite to respond factually and accurately to properly submitted requests for employment information.
- 2. **Employment Information:** All written or phone requests for employment information or verification for current, retired, or terminated employees, received by a department, supervisor, or employee shall be referred to the Human Resources Department.
 - a. **By Phone:** Responses to phone requests will be limited to information which is job-relevant and verifiable by proper documentation contained in the employee's official Human Resources

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Department file. This would include the following: dates of employment; positions held; salary grade minimum and maximum at separation; reason for separation as stated on the Separation Request Form.

- b. **In Writing with Signed Release:** Upon receipt of a properly written release, the following information may be provided: all of the information covered under 19.2(2)a, and if requested and available in file, overall rating on most recent performance appraisal; actual salary; documented disciplinary actions; last known address and phone number, unless employee elected to restrict release of that information during employment; any other requested job-related information deemed appropriate by the Human Resources Director.
- c. **Refusal to Furnish:** The Human Resources Director may decline to furnish employment information if: (1) request is in a manner or form which does not adequately protect the City from possible litigation; (2) the information requested is subject to a written, non-disclosure agreement.
3. **Personal References:** Personal references may be provided by an employee as long as references are not on City stationery, not signed with the individual's title or position, and do not contradict information documented in the employee's Human Resources Department file.
4. **Recordkeeping:** A copy of all written requests for information, authorization to release, and information provided will be maintained by the Human Resources Department.
5. **Eligibility for Rehire:** The City does not make a determination upon termination regarding an employee's eligibility for rehire. All prior employees are eligible to submit an application through the normal application process (Reference Section 4.4, Former Employees).

III.
ELECTRONIC SURVEILLANCE, EAVES-
DROPPING, AND UNAUTHORIZED TAPE
RECORDING

1. **General Policy:** It shall be a violation of City policy for employees to engage in electronic surveillance, eavesdropping, unauthorized or secret tape recording, by use of an electronic recording device, of any communications between or among employees or elected representatives of the City of Mesquite.
2. **Definitions:**
 - a. **Electronic Eavesdropping** is defined as the unauthorized, electronic recording by use of an electronic recording device of any communications made by employees of the City of Mesquite without the knowledge of the person making such communications.
 - b. **Communications** include, but are not limited to, statements made during meetings, hearings, conferences, counseling, or conversations between employees or elected representatives. Communications also means telephonic communication, including cellular or mobile phone communications.
 - c. **Electronic Recording Devices** include, but are not limited to, tape recorders, dictaphones, pocket recorders, cassette tape players/recorders, and telephonic tape or digital recording devices.
 - d. **Employee** includes full- and part-time, volunteer, and seasonal employees.
3. **Exceptions: Fire and Police** - It shall not be a violation of this policy for employees of the Fire and Police Departments to electronically record communications with or among employees or citizen contacts as necessary in the course and scope of conducting official business.
4. **Authorization:** The City Manager is authorized to take whatever action is necessary to maintain good order within the organization.
5. **General:** This policy does not preclude the tape recording of such communications when

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GENERAL PROVISIONS

all parties to the communication are aware of the fact that the communication is being recorded.

6. **Disciplinary Action:** Violation of this policy is grounds for disciplinary action up to and including termination of employment. The City reserves the right to determine the degree of violation and take appropriate action to maintain the functions and order of the organization.

IV.
ELECTRONIC MAIL AND INTERNET

1. **Purpose:** The efficient utilization of the Electronic Mail (e-mail) and the Internet for communications and research can improve the quality and productivity of the City's work force. Every City of Mesquite employee is responsible for ensuring that the City's Electronic Mail and Internet system is used properly and in accordance with this policy. Any questions about this policy should be directed to the Human Resources Director.
2. **Access:** Requests for Internet access or an e-mail address must be approved by the employee's Department Director and the City Manager or designee before access is granted. All requests shall be submitted to the MIS Division for necessary action.
3. **Usage and Privacy:**
- a. Downloading of software products from Internet sites is not permitted without prior approval of the MIS Division. City employees shall virus-scan all files which are downloaded from the Internet and follow all copyright laws.
 - b. City's resources for accessing the e-mail system and the Internet is the City's property and should be used for City purposes only. Personal business should not be conducted by means of these systems. E-mail messages should be sent only for valid business reasons.
 - c. Employees should disclose information or messages from the e-mail or Internet only to authorized employees or recipients. City confidential information must be protected from improper dissemination to unauthorized employees or to third parties through the e-mail system. City employees must use caution in the transmission and storage of confidential or restricted information.
- d. Employees shall not share their passwords with others.
 - e. No e-mail or Internet messages will be created, sent, or downloaded which may constitute intimidating, hostile, or offensive material on the basis of sex, race, color, religion, national origin, age, or disability. The City's policy against sexual or other harassment applies fully to this policy.
 - f. The City reserves the right to monitor e-mail and Internet usage to assure that its resources are being used only for business purposes.
 - g. Employees do not have a personal privacy or property right in any matter created, received, or sent using the e-mail or Internet.
 - h. The City reserves the right to access, retrieve, read, and delete any communication that is created, sent, or received using the City's e-mail or the Internet to assure compliance with this and other policies.
 - i. Any employee who becomes aware of misuse of the e-mail or Internet system shall promptly contact their supervisor.
 - j. Under no conditions will City employees access, download, scan, or otherwise use material unrelated to the employee's City tasks. Using the network for business to yield personal financial gain, or for any commercial or illegal activity, is not allowed.
 - k. Computers or terminals shall not be left unattended in a state which affords inappropriate access to records of the City, allows unauthorized users access to the e-mail or Internet, or otherwise compromises security.
 - l. When a City employee leaves the employment of the City, the Human Resources Director will notify the MIS

**CHAPTER 3
GENERAL PROVISIONS**

Manager immediately to ensure that the list of users is kept up to date.

**V.
EMERGENCY OPERATIONS POLICY**

The purpose of the Emergency Operations Policy is to provide the City Manager with the means to rapidly mobilize City employees and deploy them as necessary in time of an emergency situation. The City Manager may declare an "Emergency" and thereby activate the Emergency Operations Policy when the citizens of the City of Mesquite are in "imminent danger" or have actually experienced an event that has placed citizens' safety and well being in danger.

1. Upon activation of the "Emergency Operations Policy", City of Mesquite employees are expected to be able and willing:
 - a. To be "On-Call" via page or phone and subject to reporting for duty.
 - b. To work extended hours beyond the normal shift.
 - c. To work shift hours different from the normal practice.
 - d. To perform duties different from the normal practice.
 - e. To work under the direction of different supervisors.
 - f. To work in different departments.
 - g. To operate under procedures and policies that may have to be suspended or amended by Department Directors to cope with unusual situations.

**VI.
PERSONAL APPEARANCE AND
DRESS POLICY**

Our employees are in the public's eye on a daily basis and impressions, both positive and negative, are formed partly by appearance. Appearance plays an important role in portraying the professionalism of our City government. All employees are required to have a neat and professional appearance, including grooming and hygiene standards, that reflect well upon the City of Mesquite. Clothes should be neat, clean, and appropriate to the type of work as well as location.

Each department may determine its definitions of acceptable appearance standards balanced by public impression, comfort, and safety. Departments requiring uniforms shall establish their own proper dress policy to supplement overall appearance requirements of the City. City uniforms shall not be worn when the employee is off duty unless authorized by the department head or City Manager.

Employees wearing inappropriate attire will be instructed by their supervisor not to wear the attire again. A second offense will result in the employee being asked to go home and change into appropriate attire (annual leave will be charged for time away from work). Third and subsequent offenses will result in a written reprimand, suspension without pay, up to and including termination, respectively. Disciplinary action may, based on the situation, be modified at the sole discretion of the Department Director.

CHAPTER 4 EMPLOYMENT POLICIES

I. EQUAL EMPLOYMENT OPPORTUNITY

The City of Mesquite is committed to equal employment opportunity for all employees and applicants for employment. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, pay, or any other aspect of personnel administration is prohibited. This includes discrimination because of race, color, creed, national origin, religion, sex, age, or disability.

II. APPLICANT DEFINED

All individuals, both current City employees and non-City employees, who have submitted a properly completed application or job bid form to the Human Resources Department and who meet the requirements of acceptance established in this manual are considered applicants.

III. NEPOTISM RESTRICTIONS

The City will not hire or promote to any regular position:

1. An applicant who is related within the second degree by marriage or within the third degree by blood to any employee where both would report within the same division or organizational equivalent.
2. An applicant who is related within the second degree by marriage or within the third degree by blood to an employee where such appointment would place the applicant within the relative's supervisory chain of command.
3. An applicant who is related within the second degree by marriage or within the third degree by blood to the Mayor or any member of the City Council.
4. An applicant where a familial relationship exists requiring a close working relationship or which has a potential for developing a conflict of interest, or any familial relationship deemed not in the best interests of the City of Mesquite by the City Manager.

5. Nepotism restrictions do not apply to employees classified as seasonal.

* Refer to the Relationship Chart at the end of this chapter.

IV. FORMER EMPLOYEES

Former employees of the City shall not be given consideration for re-employment unless special circumstances warranting such consideration exist in the opinion of the City Manager.

V. REJECTION OR DISCONTINUATION OF PROCESSING

The following are grounds for rejection or discontinuance of processing of a job candidate. Although not intended to be an exhaustive list, examples for grounds of rejection or discontinuance of processing of a job candidate include, but are not limited to, the following. Such rejection or discontinuance may occur at any time in the employment process.

1. **Impairment:** Inability of the applicant to perform the essential duties of the job due to medical, psychological, or physical impairments, even with reasonable accommodations.
2. **Minimum Requirements:** Failure to meet the minimum requirements for the position as prescribed by the Human Resources Director.
3. **Falsification, Deception, Fraud:** Falsification of any material fact or any attempt to practice deception or fraud by the applicant on the application and/or supplements during interviews with any representative of the City, during examinations, or during any phase of the employment process.
4. **Nepotism:** Failure to disclose familial relationships are grounds for disqualification and/or discharge.
5. **Incomplete Processing or Documentation:** Failure to report for interviews or examinations and failure to provide information or documentation requested by the City.
6. **Closing Date:** Failure to submit an application or job bid by the posted closing date.

CHAPTER 4
EMPLOYMENT POLICIES

7. **Driving Record:** Failure to meet the City's driving requirements for those positions which require the operation of equipment in the performance of their duties. See Chapter 13.11.
8. **Criminal History:** Conviction, deferred adjudication, or placement on probation for a felony or crime other than traffic violations where such history represents a risk to the City of Mesquite or where such history is in conflict with the responsibilities and duties of the job.
9. **Neglect of Debts:** Failure to pay or neglect of just debts.
10. **Previous Disciplinary Action:** Although not intended to be an exhaustive list, examples for grounds of rejection or discontinuance of processing of a job candidate include, but are not limited to, the following:
 - a. Involuntary termination from previous employer(s) for inadequate performance of duties
 - b. Misconduct
 - c. Job abandonment
 - d. Attendance-related problems
 - e. Insubordination
 - f. Fighting
 - g. Violation of safety rules
 - h. Theft of employer property
 - i. Using, soliciting, or possessing alcohol or drugs while at work
11. **Work Schedule:** Inability or unwillingness of the applicant to work the required work schedule.
12. **Work History:** History of instability as evidenced on the completed application and supplements.
13. **Incomplete Application:** Failure to complete the application and supplements in the manner prescribed.
14. **Examinations:** Inability to pass all required examinations.
15. **Character:** Unsatisfactory character.
16. **Other:** Failure to meet any other requirements deemed necessary by the Human Resources Director.
17. **Public Safety:** Due to the high level of public trust, the high expectations of the public, the need for continued public confidence in the City's public safety agencies, and the heavy responsibility for the safety of lives and property, grounds for rejection or discontinuance of processing of a public safety job applicant will be more comprehensive than those of other City personnel. Those additional grounds for rejection or discontinuance of a public safety applicant will include, but not be limited to, the following:
 - a. Prior illegal activity, whether detected or undetected, whether prosecuted or unprosecuted, whether convicted or unconvicted, whether completed, attempted, or a conspiracy including, but not limited to:
 - 1) theft, fraud, or other misappropriation of property;
 - 2) illegal use or possession of controlled substances;
 - 3) sexual assault or misconduct;
 - 4) assaultive or other violent offenses, including family violence;
 - 5) bribery or other corrupt practice;
 - 6) perjury or other falsification;
 - 7) other illegal activity which might reasonably cause the public to lose confidence in the public safety agency or affect the credibility of a witness in a criminal case.
 - b. Prior civil action, whether litigated or settled, or pending, or anticipated civil action against the applicant for an intentional tort or an alleged intentional tort relating to duties as a law enforcement officer or security officer which could reasonably be expected to influence a jury in any future tort action for a similar duty-related incident.
 - c. Prior public activities which would offend community standards, or cause the public to question the motives of a public safety agency, or cause the public to lose confidence in a public safety agency, including, but not limited to:
 - 1) Exotic dancing, posing nude or seminude for publication or public display, or ownership, management, or employment in a sexually-oriented business;

CHAPTER 4
EMPLOYMENT POLICIES

- 2) Public espousal of membership in or a philosophy of an organization that espouses racial, religious, or ethnic hatred.
- 3) Public espousal of membership in or philosophy of an organization that espouses civil disobedience.

VI.
DUAL EMPLOYMENT

Current employees of the City of Mesquite may occupy only one non-exempt position with the City at any given time.

VII.
VACANCIES

- 1. **Requisition for Job Applicants:** Departments will notify the Human Resources Department of vacancies by submitting a completed Requisition for Job Applicants form. Submission of a requisition shall occur as soon as the department is aware of a need to fill a position. Departments requesting a change in a position's job requirements must submit a written request for a job audit to the Human Resources Director to the job being posted.
- 2. All recruitment activities should be coordinated through the Human Resources Department.
- 3. **Job Posting:** The Human Resources Department will distribute Job Opportunities announcements among appropriate City facilities. Departments are responsible for providing a bulletin board or posting area to ensure that employees receive proper notification of job opportunities. Job Opportunities postings for the general public will be posted and applications accepted for a period of time which ensures that an adequate number of applicants has been recruited. Promotional Job Opportunities will be posted and job bids accepted for a period of time sufficient to allow qualified employees to apply. In the event of an emergency, after three days the Human Resources Director may

close positions without notice and cease acceptance and review of applications for positions as deemed necessary, even if the job posting notice originally indicated that job applications would be accepted for a longer period of time.

VIII.
EMPLOYMENT APPLICATIONS

- 1. **Proof of Employment Eligibility and Identity:** In compliance with the Immigration and Reform Control Act of 1986, the City shall employ only American citizens and aliens who are authorized to work in the United States. All persons hired by the City shall be required to show proof of employment eligibility and identity as a condition of employment.
- 2. **Submitting Applications:**
 - a. The Human Resources Department accepts applications and resumes for posted vacancies.
 - b. Resumes will be accepted for purposes of initial consideration for General Government positions.
 - c. All applicants must complete a City of Mesquite Application for Employment prior to beginning employment. The responsibility to review, screen, track and distribute applications rests with the Human Resources Department.
 - d. **Job Bid Form**
Applicants currently employed with the City must complete and submit to Human Resources and their supervisor a Job Bid Form prior to the posting deadline. It is the responsibility of the employee to update their employee file in the Human Resources Department to reflect their current qualifications for the position being sought. Applicants not meeting the required qualifications shall not be referred to the department for consideration.
- 3. **Hard to Fill Positions**
The Human Resources Department may identify hard to fill positions where resumes will be accepted even if a vacancy does not exist. Acceptance of a resume does not confer

CHAPTER 4
EMPLOYMENT POLICIES

applicant status nor constitute an agreement by the City to notify the job seeker.

4. Acceptance of Applications:

a. Incomplete Applications

Applications and supplements must be completed in full; incomplete applications and supplements will not be considered for employment. An application is considered incomplete:

- 1) If responses have not been provided to all entries on the employment application and supplements.
2) If the job seeker has not signed and dated all designated areas.
3) If necessary diplomas, licensure, certification, or other requested documents have not been furnished.

b. Property of City

Once application, supplement, or any other documentation is submitted to the Human Resources Department for employment consideration, it becomes the property of the City of Mesquite.

c. Information Verification

The Human Resources Department may, at its discretion, contact an applicant or any relevant source to obtain information omitted from the application. All information provided is subject to verification and investigation.

IX. VERIFICATION OF MINIMUM QUALIFICATIONS

All applicant information submitted in the prescribed manner will be reviewed to determine if the applicant is able, either with or without reasonable accommodations, to perform the essential functions of the job. The decision as to whether an applicant is able, either with or without reasonable accommodations, to perform the essential functions of the job and meets the required minimum qualifications for referral to the department shall be the sole responsibility of the Human Resources Department.

X. APPLICANT TESTING

The Human Resources Department will have the responsibility for evaluating and approving all employment-related tests.

XI. APPLICANT PROCESSING

- 1. Processing Procedures: The Human Resources Director will establish procedures to be followed for processing of applications. The Human Resources Department will be responsible for communicating to the departments the applicant processing procedures.
2. Human Resources Department Referral: An applicant may not be considered for employment by the hiring department unless the individual has complied with all procedures specified for submission of an application and has been referred to the hiring department by the Human Resources Department.

XII. EMPLOYMENT INTERVIEWS

The hiring department shall adhere to the following guidelines:

- 1. Granting Interviews: No interview may be granted an individual unless the individual has been referred to the hiring department by the Human Resources Department.
2. Interview Documentation: The hiring department must complete a written assessment on each individual interviewed in the manner and form approved by the Human Resources Director.
3. Retention of Applications: Departments are not authorized to retain applications and resumes regardless of the manner and source of receipt. Upon selection of the applicant to fill the vacancy, all applications and resumes shall be returned to the Human Resources Department.

CHAPTER 4
EMPLOYMENT POLICIES

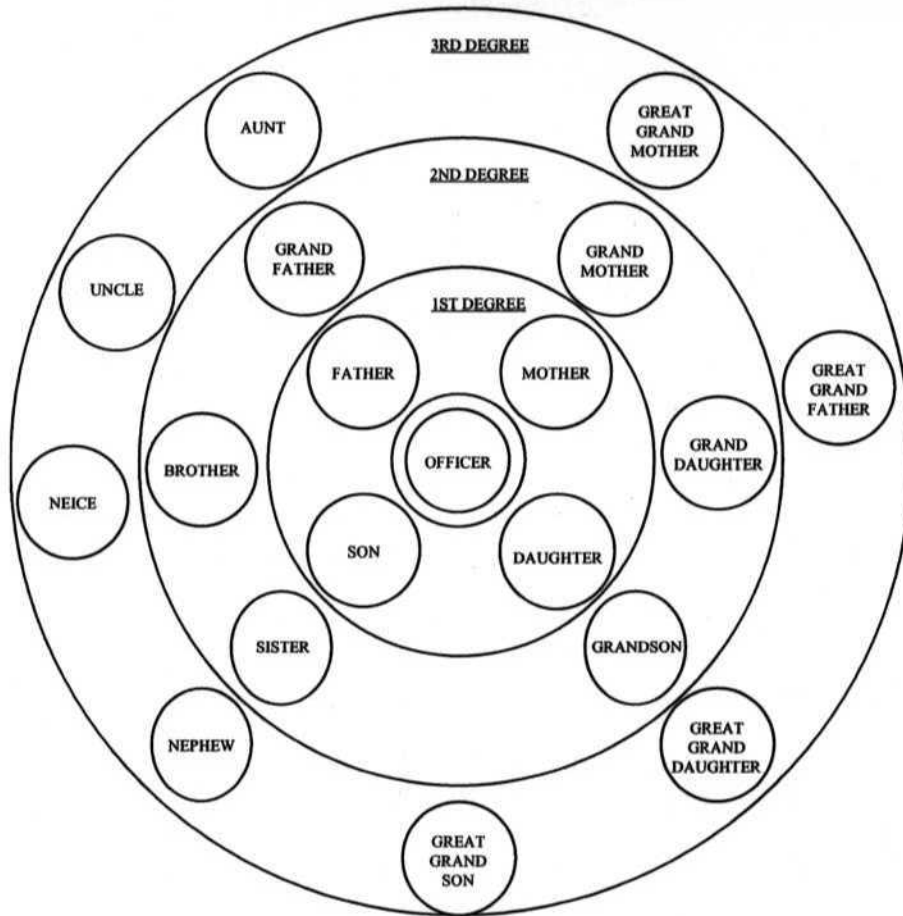
XIII.
POSITION APPOINTMENTS

1. **Job Offers:** All applications received by the departments should be considered for employment prior to an individual being given a conditional offer of employment. Only an individual who has completed the pre-employment process, as prescribed in Chapter 4, may be given a conditional offer of employment. All job offers are conditioned upon the applicant passing all required medical examinations, drug tests, reference checks, and background investigations.
 2. **Physicals:** The Human Resources Department shall designate the proper procedures for scheduling of physicals, monitoring and disseminating results, and approving/disapproving hiring decisions.
 3. **Payroll:** The hiring department is responsible for completing status change, payroll, and personnel forms on all employee actions. The appropriate forms shall be forwarded to the Human Resources Department by the effective date of the action. No department may place an individual on payroll who has not successfully completed processing by the Human Resources Department.
 4. **Orientation:** The Human Resources Department shall be responsible for developing and conducting a general employment orientation for all new employees with the City of Mesquite. Departments are responsible for developing and conducting department-specific orientations which can cover departmental policies and procedures.
 5. **Employee Identification:** Employees may be required to be photographed and fingerprinted, at the City's expense, for identification purposes.
2. Establish rules governing response time for certain positions which may be subject to standby duty or immediate response capability.
 3. Require any employee hired or transferring into a position with residency or response requirements to comply with the established standards prior to completion of the probationary period.
 4. Require any employee subject to residency or response requirements to remain in compliance with these restrictions during the term of their employment with the City of Mesquite.

XIV.
RESIDENCY REQUIREMENTS

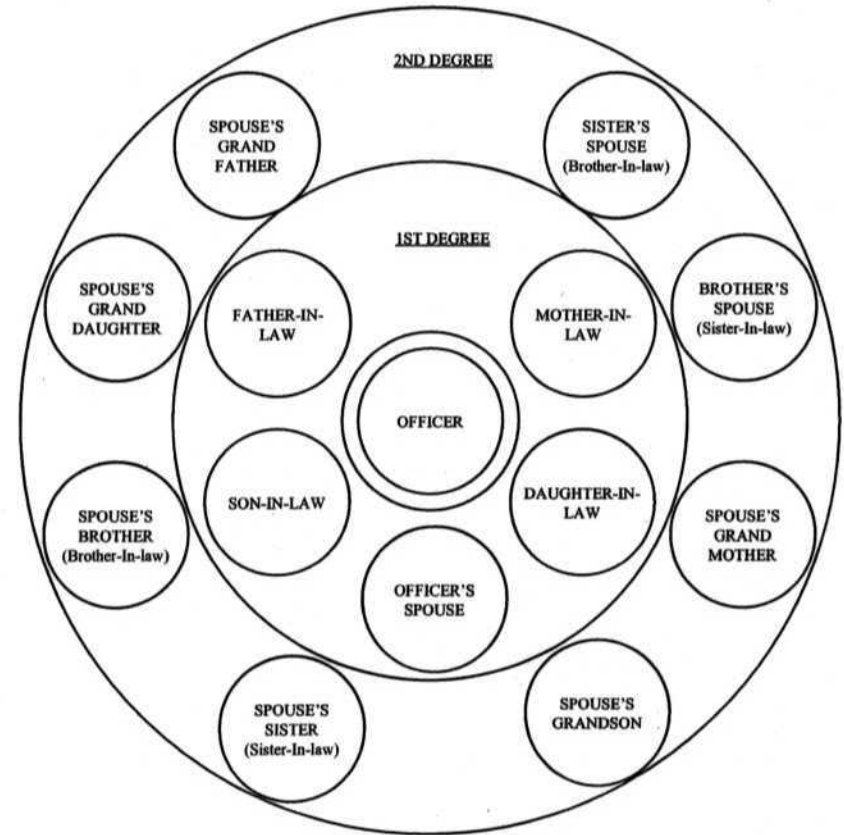
To the extent permitted by federal and state law, the City Manager may...

1. Designate certain positions where it is appropriate that the incumbents assume residency within the Mesquite city limits.



CONSANGUINITY KINSHIP CHART

(Blood)



AFFINITY KINSHIP CHART

(Marriage)

CHAPTER 5 EXAMINATION

I. EXAMINATION AUTHORITY

The Human Resources Department shall have the sole authority for the administration and establishment of examination procedures for all position vacancies. Departments shall not administer examinations of any type without prior approval by the Human Resources Department.

II. EXAMINATION METHODS

All appointments to the Classified Service shall be based on a determination of the applicant's qualifications. The method of determining an applicant's qualifications shall be the same for all applicants for a particular position, except that reasonable accommodations will be made for otherwise qualified disabled applicants who are unable to take the type of examination which is required of non-disabled applicants. Examination of qualifications may include, but is not restricted to, the following methods:

1. **Written Examinations:** Written examinations may be given to assess the applicant's knowledge, skill, or aptitude in the field for which the test is being administered.
2. **Applications and Supplements:** Applications may be rated using training, education, experience, work history, and other job-related information which demonstrates the applicant's qualifications for the position. Ratings may be based upon information contained in the application and/or supplements, follow-up contact with the applicant, and other investigations as deemed necessary.
3. **Interviews:** Interviews may be conducted in person, by video, or via telephone using one or more interviewers. Candidates may be rated on the information conveyed in the interview process.
4. **Oral Examination:** Oral examinations may be administered to assess knowledge or skills which are not readily demonstrated through use of a written examination or where necessary to reasonably accommodate disabled applicants.

5. **Performance Examinations:** Performance examinations may be given to assess an applicant's knowledge, skill, ability, or aptitude in performing job-relevant tasks. Performance examinations will be used only where consistent with business necessity and will be narrowly tailored to measure only the ability to perform the essential functions of the position being applied for.
6. **Biographical Inventories:** Questionnaires utilizing biographical information may be used in rating an applicant's qualifications.
7. **Background Investigations:** Background investigations may include, but are not limited to, previous employer references, personal references, and any other job-related contacts and questions which enable adequate assessment and/or verification of the applicant's qualifications.
8. **Drug Testing:** Drug testing of applicants who have been made a conditional offer of employment shall be conducted in accordance with established policy based upon the provisions of City of Mesquite Ordinance No. 2652.
9. **Medical, Physical, Psychological Testing:** Applicants who have been made a conditional offer of employment shall be required to successfully complete a medical and physical examination prior to appointment. Additional testing may be required to determine the applicant's suitability for employment.
10. **Other:** Any other examination which serves to further demonstrate the qualifications of the applicant may be utilized as deemed necessary by the Human Resources Director.

III. EXAMINATION PROCEDURES

1. The Human Resources Director shall establish procedures pertaining to the administration of examinations such as:
 - a. Applicant admission to exam sites
 - b. Failure to report for examination
 - c. Exam failure and re-testing and other relevant procedures
2. The Human Resources Director shall not permit testing of any applicant who does not

**CHAPTER 5
EXAMINATION**

meet the minimum requirements of the position prior to taking the examination.

3. Examinations or their administration are not appealable. All examinations and answer sheets are the property of the City of Mesquite and are not subject to review.
4. When feasible, the most efficient and accurate method of examination scoring will be used.
5. Applicants who do not meet the minimally required score on examinations shall not be referred to the hiring official.
6. Examination results may be furnished to the hiring official, but an individual applicant's examination results may not be disclosed to other applicants.

CHAPTER 6
PROBATIONARY AND INTRODUCTORY PERIODS

I.
PURPOSE OF PROBATIONARY/
INTRODUCTORY PERIOD

- 1. Probationary Period**
Probation is a period of time that is granted to all probationary and transferred regular full-time employees. These employees demonstrate their ability to successfully perform the duties of the job and that they can successfully operate within the work environment.
- 2. Introductory Period**
Introductory Period is a time in which all original and transferred part-time employees demonstrate their ability to successfully perform the duties of the job and that they can successfully operate within the work environment. Part-time and Seasonal employees are always "at will."

II.
COMPLETION OF PROBATIONARY/
INTRODUCTORY PERIOD

- 1. Probationary Full-Time Employees**
All newly hired probationary full-time employees will serve a period of original probation of six (6) months. Employees serving an original probation are considered "at will" and may be terminated without cause or appeal. Employees promoted while serving an original probation will have their original probationary period extended for a period of time of six (6) months from the date of promotion, during which time the employee shall remain "at-will."

Subject to review and approval by the Human Resources Director, an employee's probationary period may be extended for a period not to exceed ninety (90) days. (Fire and Police commissioned personnel are governed by the probation provisions of the Texas Local Government Code, Chapter 143.)
- 2. Part-Time Employees**
All newly hired part-time employees shall serve an introductory period of six months. Part-time employees are always "at will" and

may be terminated without cause or appeal. Part-time employees promoted to a regular full-time position while serving an introductory period will be required to serve a probationary period.

- 3. Seasonal Employees**
Seasonal employees do not serve a probationary or introductory period. Seasonal employees are always "at will" and may be terminated without cause or appeal.
- 4. Transfer Probation**
Employees who are promoted, given a lateral transfer, or demoted will serve a probationary period of six (6) months. Subject to review and approval by the Human Resources Director, an employee's probationary period may be extended for a period not to exceed ninety (90) days. Employees failing a transfer probation may, at the City's discretion, be considered for transfer to a vacant position for which they meet the minimum qualifications. Employees serving a transfer probation who fail to successfully complete probation, where other employment with the City is not feasible or available, will be given a non-disciplinary termination as described in Chapter 8-3.

III.
DOCUMENTATION

Department supervisors should make every effort to complete probationary evaluations in a timely manner. Regardless of when the probationary evaluation was completed, employees shall not be deemed to have completed the probationary period until so certified by the department. Departments will document in writing and submit to the Human Resources Department all probationary and performance decisions on the form and in the manner prescribed by the Human Resources Department. Probationary employees shall be appraised in writing after approximately three (3) months of employment and at the conclusion of the probationary period, when a recommendation to terminate or extend probation shall be made.

**CHAPTER 6
PROBATIONARY AND INTRODUCTORY PERIODS**

**IV.
JOB BIDDING**

Except when approved by the department directors and Director of Human Resources, probationary employees are not eligible to bid for another position with the City until successful completion of their mid-probationary review. Employees promoted while serving an original probation will have their original probationary period extended for a period of time of six (6) months from the date of the promotion during which time the employee shall remain at-will.

CHAPTER 7 PROMOTION/TRANSFER/DEMOTION

I. PROMOTION

Promotional decisions shall be made on the basis of applicant's relative knowledge, skills, abilities, training, and experience. Promotions shall be job-related, and the utmost effort shall be made to ensure decisions are valid, reliable, and objective.

1. **Defined:** A promotion is the advancement of an employee from a position in a lower pay grade to a position in a higher pay grade.
2. **Promotional Posting:** Departments may request that the Human Resources Department post a vacancy "Promotional Only," thereby restricting consideration to current City employees. Promotional postings shall be handled in accordance with the provision of Chapter 4.
3. **Performance Appraisals:** Performance appraisals shall be considered when evaluating applicants' qualifications for referral to departments for promotional vacancies.
4. **Change in Salary:** Promoted employees shall be placed at the minimum of the new pay grade or receive the equivalent of a 5% increase, whichever is greater, unless such increase would place the employee above the pay grade maximum, in which case the employee will be placed at the pay grade maximum for the new position.
5. **Release of Promoted Employee to New Position:** An employee selected for promotion must provide the releasing department with at least two weeks' notice before assuming the new position. If both departments are in agreement, the notice period may be increased or reduced.
6. **Selection Techniques:** The Human Resources Department shall ensure that all provisions of this manual are followed when filling a promotion vacancy. The Human Resources Director shall determine the best methods for testing and evaluating an applicant's minimum qualifications.

II. TRANSFER

A transfer is an assignment of an employee from one position to another, not involving promotion or demotion. A transfer may be for administrative

convenience or upon the written request of the employee to any posted vacancy for which the employee meets the minimum qualifications.

1. Interdepartmental transfers and transfers not within the same classification must be approved by the City Manager.
2. Intradepartmental transfers within the same classification must be approved by the department head.
3. Transfers shall not be allowed unless the employee fully meets the minimum requirements of the job description and successfully completes all required testing.

III. DEMOTION

1. **Defined:** A demotion is defined as the voluntary or involuntary movement of an employee from a pay grade with a higher midpoint to a pay grade with a lower midpoint.
2. Disciplinary demotions will be handled in conformance with procedures in Chapter 8 (8.2A4).
3. Voluntary demotions must be requested in writing. Employees requesting a voluntary demotion must meet all of the testing and job requirements for their new position. The decision to grant a voluntary demotion rests with the City.
4. **Voluntary Demotions:**
 - a. Voluntary demotions will require an appropriate salary reduction to be determined by the department head and Director of Human Resources.
 - b. The demoted employee's salary should not be greater than the maximum of the lower pay grade.
5. **Involuntary Demotions:** Involuntary demotions may or may not require a salary reduction and will be reviewed on a case-by-case basis by the department head and Director of Human Resources.

CHAPTER 8
CODE OF CONDUCT, RULES OF BEHAVIOR, DISCIPLINARY
ACTIONS AND SEPARATIONS

I.
STANDARDS OF CONDUCT

Standards of Conduct (Taken from Chapter 2, Art. IV, Sec. 2-123 of the City Code. The Code of Conduct contains references to Council, Officer, and Board and Commissions which have been omitted herein. Places where such have been omitted are indicated as [omitted].)

1. No [omitted] employee of the city shall:
 - a. Accept any gift or favor from any person that might reasonably tend to influence him in the discharge of his official duties, or grant in the discharge of his official duties any improper favor, service, or thing of value.
 - b. Grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group.
 - c. Disclose information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
 - d. Engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to him in the employment of the City, or reflect discredit upon the City, or in which his employment in the City will give him an advantage over others engaged in a similar business, vocation, or activity.
 - e. Transact any business on behalf of the City in his official capacity with any business entity with which he is an officer, agent, or member, or in which he owns a substantial interest. In the event that such a circumstance should arise, then he shall make known his interest, [omitted] and turn the matter over to his superior for reassignment, state the reasons for doing so, and having nothing further do with the matter involved.
 - f. Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty.
 - g. Receive any fee or compensation for his services as an [omitted] employee of the City from any source other than the City except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the City if there is no conflict with his responsibilities.
 - h. Represent, directly or indirectly, or appear in behalf of private interests of others before any agency of the City or any of its agencies.
 - i. Use his official position to secure special privileges or exemptions for himself or others.
2. The provisions of subsection (A) of this section shall not be deemed to deny to such party any right or privilege guaranteed by law or the federal and state constitutions. Where the advocacy of a right or privilege, however, is compatible with the position held by the advocate, such party shall make an election so that his position with the City and his advocacy will not be incompatible. Where the advocacy of a right or privilege is occasional and infrequent or involves little or no discretion, the advocate shall abstain from any action as an [omitted] employee that would reasonably appear to influence the outcome of the matter, such as voting on the matter, sitting on a board or tribunal charged with deciding the issue when the issue is to be decided, or in the case of an employee, personally processing the matter. Where the advocacy of the right or privilege is usual and frequent or can reasonably be expected to arise in due course of one's occupation or profession, then such [omitted] employee shall remove himself from his position as may be incompatible until such position of incompatibility ceases to exist.
3. The failure of any [omitted] employee to comply with or who violates one (1) or more

CHAPTER 8
CODE OF CONDUCT, RULES OF BEHAVIOR, DISCIPLINARY
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of the standards of conduct pursuant to this division, which apply to him, shall constitute grounds for expulsion, reprimand, [omitted], or discharge, whichever is applicable. In the case of an employee of the City, not a member of the Fire Department or Police Department subject to V.T.C.A. Local Government Code, Chapter 143, disciplinary action and appeals therefrom shall be in conformance with procedures established by City charter and personnel rules and regulations, and in actions involving members of the Fire Department or Police Department covered under V.T.C.A. Local Government Code, Chapter 143, appeals shall be in conformance with the procedures established in that statute. [omitted] The decision of these bodies shall be final in the absence of bias, prejudice, or fraud.

II.
GROUND S FOR DISCIPLINARY
ACTION/TERMINATION

Grounds for disciplinary action/termination include, but are not limited to, the following. The City reserves the right to determine the degree of violation and take appropriate action to maintain the functions and order of the organization.

1. Attendance:

- a. Abuse of approved leave.
- b. Tardiness.
- c. Failure to report to work without timely notification.
- d. Failure to follow procedures for requesting or using leave.
- e. Unauthorized absence from work site.
- f. Job abandonment (absence for two consecutive working days without providing notice).
- g. Other actions that constitute unsatisfactory attendance.

2. Job Performance:

- a. Neglect of duty.
- b. Loafing.
- c. Carelessness.
- d. Lack of initiative.
- e. Lack of cooperation.
- f. Failure to remain at work station.
- g. Sleeping or otherwise being inactive during working hours.

- h. Inefficiency.
- i. Performing or conducting personal business during working hours.
- j. Abuse of eating and/or rest periods.
- k. Interfering with work of others.
- l. Discourteous treatment of the public or other employees.
- m. Other acts reflecting unsatisfactory job performance.

3. Incompetence or Unsatisfactory Work Performance:

- a. Inability to perform the duties of the job.
- b. Inefficient or unproductive behavior.
- c. Violation of departmental work rules.
- d. Deliberate or careless damage to property or equipment.
- e. Unsatisfactory quality or quantity of work.
- f. Inability to work effectively with other employees.
- g. Inability to adjust or adapt to changing work requirements.
- h. Failure to make requested changes in job performance.
- i. Repeated disciplinary action for minor infractions of policy or procedure.
- j. Incurring an expense or liability for the City without proper authorization.
- k. Other acts reflecting incompetency or unsatisfactory work performance.

4. Failing to Follow Instructions/Insubordination:

- a. Failure or refusal to perform assigned work or fully comply with instructions or orders as requested by appropriate authorities.
- b. Failure or refusal to fully cooperate with official internal investigations.
- c. Acts of defiance towards a superior including, but not limited to, arguing about assignments, talking back, walking away from or ignoring superior while being addressed, or deliberate attempts to undermine or put the supervisor in a false light.
- d. Other acts that reflect the failure to follow instructions/insubordination.

5. Violation of Safety Rules:

- a. Smoking in prohibited areas.

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- b. Unauthorized removal of safety guards, fire extinguishers, or other equipment designed to protect employees or equipment.
 - c. Failure to use safety equipment or to follow safety practices or rules.
 - d. Careless, neglectful, or improper use of tools or equipment.
 - e. Causing injury or damage to person or property through negligence or deliberate action.
 - f. Causing a chargeable accident or injury.
 - g. Failure to report maintenance deficiencies or properly maintain equipment.
 - h. Operating equipment in an unsafe manner.
 - i. Violation of traffic laws pursuant to Chapter 13, Section 11.
 - j. Violation of any of the policies and/or procedures of Chapter 13 relating to on-the-job injuries or illness, regardless of the employee's eligibility for salary supplement including, but not limited to:
 - 1) If an employee fails or refuses to comply with the instructions or advice of a treating physician to improve his/her condition.
 - 2) If an employee fails to keep the immediate supervisor informed on a weekly basis as to the status of the injury when off work.
 - k. Other acts reflecting the violation of safety rules.
6. **Dishonesty:**
- a. Stealing or taking City property or property of other employees without prior authorization.
 - b. Misuse of funds.
 - c. Misrepresentation or knowingly providing false information related to job duties.
 - d. Cheating.
 - e. Providing false or misleading information or omitting material information during course of an official investigation.
 - f. Forging or otherwise falsifying official reports, records, or documents.
 - g. Misusing paid leave.
 - h. Unauthorized use of official documents or information.
 - i. Releasing or making known, in any manner, confidential information without authorization.
 - j. Failure to properly account for City documents or property.
 - k. Misuse or usurpation of authority, employee identification, or business card.
 - l. Duplication, removal, or destruction of documents or property without authorization.
 - m. Other acts reflecting dishonesty.
7. **Conduct Prejudicial to Good Order:**
- a. Fighting or using profane, abusive or threatening language.
 - b. Using unnecessary loud or boisterous language.
 - c. Offensive or lewd conduct.
 - d. Spreading false reports or otherwise disrupting the harmonious relations of the workplace.
 - e. Possession of unauthorized firearms or lethal weapons on the job.
 - f. Engaging in disruptive personal behavior.
 - g. Threatening another in a manner reasonably likely to cause the person to believe bodily injury will be inflicted on the person or a member of his family or friends or damage will be done to the person or person's family or friend's property.
 - h. Intentionally destroying or threatening destruction of City or another's property.
 - i. Making harassing or threatening phone calls to another.
 - j. Stalking or conducting unauthorized surveillance on another.
 - k. Other acts reflecting conduct prejudicial to good order.
8. **Alcohol or Drugs:**
- a. Violation of the City's Controlled Substance and Alcohol Abuse and Testing Policy (Chapter 16).

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9. **Unlawful Conduct:**
 - a. Conviction or disposition other than acquittal, including probation or deferred adjudication, of any criminal offense, except Class C misdemeanor traffic offenses, will be determined pursuant to Chapter 13-11.
 - b. Engaging in any unlawful activity or actions showing lack of good moral character.
 - c. Indecent, provocative, or offensive behavior or any unlawful activities.
 - d. Other acts of unlawful conduct.
10. **Conduct Inconsistent With Interests of the City of Mesquite:**
 - a. Any violation of the City Charter, Civil Service Rules and Regulations, City and departmental policies and directives, Standards of Conduct, or other policies addressed in this manual.
 - b. Actions which demonstrate disloyalty to the goals and objectives of the City.
 - c. Other acts inconsistent with the interests of the City of Mesquite.
11. **Solicitation:**
 - a. Solicitation of funds or anything of value for personal profit from either employees or the public during work hours.
 - b. Solicitation of funds or anything of value from either employees or the public during work hours without prior authorization.
 - c. Solicitation of other employees for membership in employee organizations during work hours.
 - d. Using the City's name or position to promote personal business.
 - e. Other acts of solicitation not consistent with the performance of work-related duties.
12. **Financial Obligations:**
 - a. Disruption in the workplace resulting from failure to pay just debts and obligations.
 - b. Other types of neglect related to failure to pay financial obligations which disrupt the workplace.
13. **Personal Appearance:**
 - a. Failure to dress appropriately and in good taste in relation to assigned job duties.
 - b. Failure or refusal to wear assigned uniforms in the manner prescribed.
14. **Acceptance of Gifts:** (See also Standards of Conduct, Section A.1.)
 - a. Accepting significant gifts or gratuities from individuals or firms with which the City does business or an individual or firm seeking City business.
15. **Harassment:**
 - a. Violating the City's Harassment policy in any manner.
 - b. Failure to cooperate in the conduct of an investigation of sexual harassment.
16. **Political Activity:**
 - a. Using one's position or personal influence for or against any candidate for public office.
 - b. Directly or indirectly coerce, attempt to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, or person for political purpose.
 - c. Seek or hold an office of public trust, or partisan office in any jurisdiction, with or without remuneration, where such service would constitute a conflict of interest with City employment.
 - d. Engage in any other type of political activity which may be in conflict with the interests of the City of Mesquite.
17. **Secondary Employment:**
 - a. Engaging in activities related to secondary employment during normal duty hours or perform secondary employment or activities related to secondary employment which would reflect unfavorably upon the City or impair performance of job duties.
 - b. Using City facilities, equipment, supplies, or time for engaging in secondary employment.
 - c. Using information gained during employment for personal profit or gain.

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- 18. **Dereliction of Duty:**
 - a. Failure to observe and give effect to the policies of the organization.
 - b. Failure to report or document violations of policy or procedure.
 - d. Other acts reflecting dereliction of duty.
- 19. **Electronic Surveillance, Eavesdropping, and Unauthorized Tape Recording:**
 - a. Engaging in unauthorized electronic surveillance, eavesdropping, or unauthorized secret tape recording, by use of an electronic recording device, of any communications between or among employees or elected representatives of the City of Mesquite.
 - b. Other acts of unauthorized electronic surveillance, eavesdropping, and tape recording.

III.
GROUNDS FOR NON-DISCIPLINARY
TERMINATION

Discharge of a regular full-time employee resulting from a non-disciplinary termination may not be appealed to the City's Trial Board. The following are grounds for a non-disciplinary termination:

- 1. **Failure to Maintain Minimum Job Requirements:** Failure to maintain or secure licenses or certifications required as a condition for performing the job.
- 2. Failure to successfully complete probationary period.
- 3. **Layoff:** A reduction in authorized positions as described in Chapter 8.5 of this manual.
- 4. **Paid and Unpaid Leave Exhausted:** Upon exhaustion of injury absence, available modified duty and all accumulated sick, vacation leave or unpaid leave, the employee will be given a non-disciplinary separation if he or she is still unable to perform the essential functions of his or her job due to medical or psychological incapacity.

IV.
DISCIPLINARY ACTION

To the greatest extent practical, the City will use a progressive discipline system. The City, however, is not obligated to use all of the progressive disciplinary

steps. Additionally, the City may begin the disciplinary process at any level, up to and including termination, based upon the severity of the infraction. All suspensions, demotions, terminations, or resignations in lieu of terminations of employees, regardless of probationary status or employment category (part-time, seasonal, etc.), shall be approved by the Human Resources Director prior to action being taken.

1. **Types of Disciplinary Action**

- a. **Oral Warning:** The oral warning is a conference, discussion, talk, or any other form of oral communication between a supervisor and employee in which the intent is to correct unsatisfactory job performance or conduct. Supervisors will document in their files oral warnings given to their employees, citing at a minimum the date of warning, content of the warning, and expected action to be taken by the employee to avoid further disciplinary action.
- b. **Written Reprimand:** The written reprimand is used to document, in writing to the employee, the unsatisfactory job performance or conduct that has been demonstrated by the employee. The employee will be requested to sign the reprimand. If the employee refuses, the supervisor present shall document on the reprimand that the employee was given the opportunity to sign but refused. The employee shall be given a copy of the supervisor's signed, written reprimand.
- c. **Suspension Without Pay:** Suspension without pay is used when an employee's unsatisfactory job performance or conduct requires more severe disciplinary action than a written reprimand. A suspension must be no less than one full workday and no more than twenty working days for any single disciplinary incident. Employees on disciplinary suspension without pay may not use compensatory, vacation, or sick leave to recuperate the lost time.
- d. **Disciplinary Demotion:** A disciplinary demotion is the reduction of an

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employee's pay grade as a result of action initiated by the City. Disciplinary demotion should only be considered as an appropriate form of action when the employee's job performance or conduct is unsatisfactory in the current position, and it is determined that the employee should be retained in a lower graded position.

e. **Voluntary Demotion:** An employee may submit a written request for a voluntary demotion for non-disciplinary reasons. The determination to grant a voluntary demotion rests with the City Manager.

f. **Termination:** Termination is an involuntary discharge from the City. Terminations may be for disciplinary or non-disciplinary reasons.

2. **Filing of Disciplinary Actions**

A signed copy of all reprimands, suspensions, demotions (disciplinary and voluntary), and terminations shall be promptly submitted to the Human Resources Director for inclusion in the employee's Human Resources file and may only be removed by court order, or in accordance with VTCA Local Government Code Chapter 143, where applicable.

3. **Affect of Disciplinary Termination on Benefits**

a. Employees terminated as a result of disciplinary action are leaving "not in good standing" and are not eligible for payment of separation benefits (vacation and sick leave).

4. **Notice of Disciplinary Action**

a. **Procedural Due Process:** Prior to suspension, disciplinary demotion, or disciplinary termination employees shall be notified of the department's intentions, the basis for the proposed action, and shall be allowed an opportunity to respond to the official making the disciplinary decision.

b. **To Employee:** All employees who are reprimanded, suspended, disciplinarily demoted, or terminated will be given written notification of the grounds for the disciplinary action (Chapter 8.1), the

acts or actions alleged to be in violation of the grounds for the disciplinary action, the consequences of any future violations of policy (except in cases of termination), and any right of appeal.

V.
LAYOFF POLICY

A layoff is a non-disciplinary reduction in the number of authorized positions.

1. **Basis:** The City reserves the right to determine the number and type of personnel required to maintain the functions of the organization. The following are illustrative, but not all inclusive, of the basis for a layoff:

- a. A discontinuation of or reduction in demand for service.
- b. A change in level or source of funding.
- c. Technological developments which reduce staffing requirements.
- d. To accomplish economic or staffing efficiency.
- e. Privatization of services/contracting out.
- f. Requirements of state and/or federal laws.

2. **Retention Criteria:** The initial consideration shall be to maintain the level of service necessary to operate the City. Thereafter, the following factors shall apply in determination of which employees shall be subject to layoff:

- a. Degree of organizational impact as evidenced by employee's knowledge, skills and abilities, productivity, and job performance.
- b. Employee's length of service in the position, in the department, and with the City.

3. **Notice of Layoff:** Employees subject to layoff will be given two weeks' notice.

4. **Recall and Severance Pay:** The City makes no provision for recall or severance pay for the classified service.

5. **Benefits:** A layoff is considered a non-disciplinary termination. Employees will receive all termination benefits for which they are eligible, as provided by policy.

6. **Re-employment:** Employees subject to layoff may make application with the Human

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Resources Department, through the normal employment process, for consideration for current vacancies. Employees who have been subject to layoff will be required to meet all of the qualifications for the position for which they are applying.

- 7. **Fire and Police State Civil Service:** Employees covered under Fire and Police State Civil Service are governed by the provisions of Chapter 143 of the Local Government Code.

VI.
ADMINISTRATIVE INQUIRY

An employee may be placed on administrative leave with or without pay to permit the City to conduct an administrative inquiry regarding allegations of unacceptable or unlawful conduct as set forth in Chapter 8.2. Administrative leave is not considered a disciplinary action and is not grievable or appealable to the Trial Board. Paid administrative leave may not exceed forty-five days per inquiry.

- 1. **Authorization of Administrative Leave:** In cases where use of administrative leave appears appropriate, the department head shall submit a request to the Human Resources Director who will review the request and determine the appropriate course of action.

VII.
APPEAL FROM DISCIPLINARY ACTION

Only regular full-time or terminated classified employees not on initial probation who have been suspended, involuntarily demoted, or terminated for disciplinary reasons may use the Trial Board appeal for disciplinary action process.

- 1. **Employee Appeals**
 - a. **Time Limitations:** The time limitations regarding an employee's actions are mandatory and jurisdictional. Failure to comply with the time limits by the employee shall result in loss of appeal rights. All time limits begin the day after notification of the appealable action. An employee's appeal must be received in the Human Resources Department within ten calendar days

after the date of notification to the employee of the appealable action.

- b. **Appeal Process:**
 - 1) It is the responsibility of the Human Resources Director to administer and coordinate the provisions of these policies and ensure compliance with established procedures.
 - 2) The employee's appeal must be in writing on the form and in the manner prescribed by the Human Resources Director.
 - 3) All appeals must be signed and dated by the employee. The Human Resources Director may not process an unsigned appeal.
 - 4) At a minimum, the appeal must state:
 - i) The action being appealed
 - ii) Why employee feels the action should be modified
 - iii) The remedy sought by employee
 - 5) Once filed, the scope of the appeal may not be expanded or amended.
- c. **Appeal Exclusions:** The Human Resources Director may not process an appeal:
 - 1) Which questions the wisdom or advisability of any policy, procedure, or directive; or
 - 2) Which has been rendered moot by existing law.
- d. **Appeal Retraction:** An appeal may be withdrawn at any time by written request of the appellant.
- e. **Reimbursement of Legal Fees and Damages Prohibited:** Employees are not entitled to seek reimbursement of any legal fees or seek damages other than back pay and benefits in connection with a Trial Board appeal.
- f. **Hearings Private:** Unless otherwise requested in writing by the appellant at the time of filing of the appeal, the appeal shall be closed to the public.

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CODE OF CONDUCT, RULES OF BEHAVIOR, DISCIPLINARY
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VIII.
TRIAL BOARD

1. Membership

The Trial Board shall be comprised of the three members of the Personnel Board. Personnel Board members will also serve as Civil Service Commissioners.

2. Jurisdiction Restricted

The Trial Board may only consider appeals from disciplinary action for suspension, involuntary demotion, or disciplinary termination and which do not question the wisdom or advisability of any policy, procedure, or directive.

3. Board Administrator

The City's Human Resources Director shall serve as administrator and coordinator for the Trial Board. The Human Resources Director will provide all necessary assistance to the Trial Board not in conflict with these policies.

4. Rules of Procedure

The Trial Board shall adopt rules of procedure which, at a minimum, shall contain the following:

- a. The Trial Board rules of procedure may not supplant or conflict with established City policy.
- b. The Trial Board may not consider appeals which question the wisdom or advisability of established City policy, procedure, or directive.
- c. The Trial Board may not render a decision which would serve to amend or modify any classification or compensation structure, benefit program, or countermand any established City policy, procedure, or directive.
- d. The Trial Board may not interpret or consider issues or questions of law, but will adhere solely to the review of facts presented during the hearing relating to the disciplinary action taken.
- e. The Trial Board may not consider claims for reimbursement of any legal costs, fees, or damages other than back pay and benefits.
- f. The Trial Board will not allow the admission of nor consider evidence that

is not relevant to the disciplinary action being appealed.

- g. The Trial Board will not allow the appellant to present testimony which has the effect of expanding their written appeal.
- h. The Trial Board will not review exhibits or hear testimony not presented during the hearing under oath and in the presence of both appellant and the City's representative.
- i. The Trial Board may not retain in their personal possession notes, exhibits, or items furnished in evidence during the hearing.
- j. The Trial Board may require witnesses to be removed from the hearing room except while testifying. The Trial Board may limit the number of witnesses and decline to hear repetitive and irrelevant testimony.
- k. The Trial Board may recess or go "off-the record" by a majority vote of the Trial Board members present.
- l. The Trial Board will establish an agenda of presentation to provide for the efficient conduct of its meetings.
- m. All Trial Board members will sign the official record of their deliberations and decisions within the time limits established by this policy.

5. Quorum

Two members constitute a quorum for hearing of an appeal. A majority of those present is necessary to render a decision.

6. Notice of Appeal Hearing

Notice of an appeal hearing will be posted not less than seventy-two (72) hours prior to the hearing.

7. Time Limits

Unless otherwise agreed to by the parties, the Trial Board shall hear all valid appeals and render a written decision within thirty calendar days from the first full day after the appeal is received in Human Resources. The Trial Board, by a majority vote, may extend the thirty-day limit by an additional fifteen (15) calendar days. The decision of the Trial Board shall be final.

CHAPTER 9 CLASSIFICATION SYSTEM

I. CLASSIFICATION PLAN

The Human Resources Department shall be responsible for the administration, maintenance, and revision of the City's classification and job evaluation program.

1. **Classification of Positions:** Individual positions (jobs) are grouped, whenever possible, to form classifications. Classifications are comprised of jobs which are substantially similar in form, function, qualifications, training, and other relevant characteristics to be summarized into one job classification.
2. **Classification Titles and Codes**
 - a. Each position shall be assigned a classification title and code.
 - b. Official classification titles and codes shall be used for all Human Resources and financial records and transactions.

II. CLASSIFICATION PLAN ADMINISTRATION

1. **Responsibility**
 - a. The Human Resources Department may initiate job analysis studies to determine that classification qualifications and salary grades are current and appropriate.
 - b. All assignment of positions of official classifications and salary grades shall be based on analysis conducted and analyzed by the Human Resources Department.
2. **Classification Specifications**
 - a. The Human Resources Department shall prepare class specifications (job descriptions) based upon information gathered from incumbents, supervisors, and other pertinent sources. The operating department shall review the class specification, and the Human Resources Director shall approve all specifications.
 - b. Classification specifications shall outline the knowledge, skills, and abilities required for the position,

minimum qualifications for adequate performance of the position, identify the essential job functions, and other pertinent job information. The information in the class specification is not inclusive of every duty performed by the employee but rather a descriptive representation of the position's major job functions.

3. **Reclassification of Existing Positions**
 - a. Reclassification of existing positions may occur at any time with the written approval of the City Manager.
 - b. Employees who consider their position to be improperly classified may submit a request for a job analysis study to their supervisor who shall submit the request to their department director. If the department director finds that the request has merit, a written request to conduct a job analysis study may be submitted to the Human Resources Director and will be considered during the annual review period.
 - c. Requests for a job study shall document the reasons justifying a study, including what job duties have changed, what new knowledge, skills, and abilities are required and how these new responsibilities affect the requirements of the position.
 - d. Supervisors are responsible for notifying their department heads of changes in jobs which affect the appropriate classification of positions under their supervision.
 - e. Department heads are responsible for notifying the Human Resources Department when positions require analysis as a result of changes in function, organizational relationships, work methods, duties, or other responsibilities which affect classification of positions within their area of responsibility.
 - f. Where reclassification results in lowering the position's grade, the current incumbent may be provided the opportunity to accept reassignment to a vacant position in the same department.

CHAPTER 9
CLASSIFICATION SYSTEM

Otherwise, the incumbent shall accept the lower classification with the lower classification's salary grade.

- g. Where reclassification results in moving the position's grade upward, the incumbent must meet all minimum qualifications of the job classification.
 - h. The decisions by management to modify, create, or abolish a position or classification is the exclusive prerogative of the City and is not subject to appeal.
4. **Classification of Newly Created Positions**
- a. Department heads are responsible for submitting a written request for a job audit of newly created positions to the Human Resources Director. The department will submit a comprehensive description of the projected position's responsibilities with the request.
 - b. Once a newly-created position has been filled, a second review of the position shall occur six (6) months to one (1) year after the incumbent's date of hire to ensure that the class specification accurately reflects the duties and responsibilities of the position.
5. **Budget Requests:** New positions, for which an existing classification does not exist, may be submitted with an estimated job grade and title. However, the final grade and job classification will be determined as a result of Human Resources Department's job analysis and evaluation.

CHAPTER 10
COMPENSATION POLICIES

I.
COMPENSATION DEFINITIONS

1. **Exempt:** An employee exempt from minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees primarily include those individuals occupying a bona fide executive, administrative, and professional position under the Fair Labor Standards Act.
2. **Nonexempt:** An employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. Nonexempt employees include hourly employees (where pay is directly related to the number of hours worked) and some nonexempt salaried workers (clerical, supervisory, and para-professional job categories).
3. **Workday:** A work day is any twenty-four (24) hour period beginning at 12:01 a.m. and ending at 12:00 midnight.
4. **Workweek:** A workweek is defined as any fixed and regularly recurring period of seven (7) consecutive days. The workweek for all employees, other than commissioned Fire and Police personnel, begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on the following Friday. The beginning and ending of the workweek is subject to change by the City. The usual and customary hours worked per workweek for full-time, nonexempt employees, except for firefighting and emergency medical service personnel, shall be forty (40) hours.
5. **Work Schedule:** The work schedule for a full-time, nonexempt employees, except firefighting and emergency medical service personnel assigned to shift duty, is forty (40) duty hours in each workweek and eight (8) hours in each workday. With the written approval of the City Manager, department heads may establish alternate work schedules in their departments.
6. **Fire Department Work Period:** Firefighting and emergency medical service personnel assigned to shift duty shall work a recurring twenty-seven-day (27) work period. The work period shall begin at 7:00 a.m. and conclude at 7:00 a.m. twenty-seven days later.

7. **Alternative Work Arrangement:** Nonexempt employees performing work at a location other than the customary workplace (i.e. home) or work which exceeds their scheduled hours of work must have prior approval from their department head before such work occurs. The department is responsible for documenting their approval of alternative work arrangements with nonexempt employees by forwarding a copy of the agreement to the Human Resources Department. Employees who violate this section will be subject to disciplinary action.
8. **Pay Period:** A pay period is designated for accounting purposes only and refers to a period of two (2) workweeks. All employees are paid biweekly with normal payday occurring every other Friday. Exceptions to paydays may occur due to City-observed holidays and official City closures.
9. **Hours Worked:** Hours worked shall be all time an employee is "suffered or permitted to work" for the City in any job-related capacity at any location where the City's business is performed, and includes approved overtime.
10. **Business Hours of the City:** The hours during which City offices and departments shall be open for business shall be determined by the City Manager.

II.
DETERMINATION OF FAIR LABOR
STANDARDS ACT STATUS

The Human Resources Department shall make the determination concerning a position's exempt or nonexempt status. Requests to review the status of a position must be submitted in writing to the Human Resources Director by the department head, or organization equivalent, of the department in which the position is located.

III.
OVERTIME POLICY

For all employees except firefighting and emergency medical service personnel, overtime is defined as time paid in excess of forty (40) hours in a particular workweek. Firefighting and emergency medical

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COMPENSATION POLICIES

service personnel assigned to a twenty-seven (27) day work period shall be paid on an overtime basis for time worked in excess of 204 hours within the work period. The one-half time provisions permitted under the FLSA shall apply. Overtime shall be considered as authorized when submitted in compliance with this chapter and applicable departmental regulations.

IV.
AUTHORIZATION OF OVERTIME

When practical, in the judgement of the department head, employee work schedules should be adjusted to avoid payment of overtime. Nonexempt employees must receive prior written approval from the department's designated official prior to working overtime. Posted schedules or written departmental policy governing authorization of overtime shall be considered prior written approval. Working unauthorized overtime by nonexempt employees shall be considered grounds for disciplinary action.

V.
OVERTIME AND COMPENSATORY TIME

1. When Paid

- a. Comp Time Over 40 Hours: Comp time may be granted to nonexempt employees for all paid hours over forty (40) in a workweek. Averaging of hours worked over two (2) workweeks is not acceptable and violates the Fair Labor Standards Act. Comp time shall be accrued on the regular payday for the period in which the workweek ends unless the correct amount of comp time cannot be determined until some time after the regular pay period has been processed.
 - b. Overtime Payments: Temporary or seasonal, nonexempt employees whose hours worked per workweek exceed forty (40) hours shall receive overtime pay for the hours worked in excess of forty (40) for that workweek.
2. Record Keeping
- a. Department Responsibilities: Each department is responsible for ensuring that complete records are maintained of

actual hours worked by all nonexempt employees for a period of three (3) years. Records should contain employee's:

- 1) Full name, home address including zip code, date of birth (if under age 19), and occupation
- 2) Hour and day when workweek begins
- 3) Total hours worked each workday and workweek
- 4) Total daily or weekly straight-time earnings
- 5) Regular, hourly pay rate for any week when overtime is worked
- 6) Total overtime for the workweek
- 7) Deductions from or additions to wages
- 8) Total wages paid each pay period
- 9) Date of payment and pay period covered

Additionally, FLSA regulations require maintenance of complete records as follows for all exempt employees:

- 1) Full name, home address including zip code, date of birth (if under 19), sex, and occupation in which employed
 - 2) Time of day and day of week on which the employee's workweek begins
 - 3) The basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment, including fringe benefits and perquisites
- b. Records: Records must be accurate and available upon request by the Human Resources Department.
 - c. Supervisor's Responsibilities: Supervisors of nonexempt employees are responsible for monitoring each subordinate's hours worked for each workweek and ensuring that the employee is properly compensated.
 - d. Employee's Responsibilities: All employees are responsible for accurately reporting their hours worked each day on their timesheets.

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COMPENSATION POLICIES

VI.
OVERTIME RATE CALCULATION

1. General Provisions

- a. Comp Time: Nonexempt employees, except firefighting and emergency medical service personnel, who work authorized overtime may be compensated for that time by receiving compensatory time off at the rate of 1-1/2 hours of compensatory time for every hour of authorized overtime worked. However, the City may at any time, in its sole discretion, substitute payment for overtime at 1-1/2 times the employee's regular rate for compensatory time off, either in whole or in part.
- b. Comp Time Accrual in Public Safety Jobs: Firefighting and emergency medical service personnel will receive payment for overtime at the rate of 1-1/2 times their regular rate and are not eligible for compensatory time without prior department head approval. Nonexempt employees engaged in public safety activities, emergency response activities, or seasonal activities who are eligible for compensatory time may accrue up to eighty (80) hours of compensatory time off, after which overtime will be paid at 1-1/2 times the employee's regular rate (Reference Chapter 10.3).
- c. Comp Time Accrual in General Government Jobs: All nonexempt employees eligible for compensatory time will receive payment for overtime at 1-1/2 times their regular rate after they have accrued eighty (80) hours of compensatory time off.
- d. Payment for Accrued Comp: Payment for accrued compensatory time may be made at any time, at the City's sole discretion, and shall be paid at the regular rate earned by the employee at the time payment is made.
- e. Comp Payment Upon Termination: Upon termination of employment,

nonexempt employees will be paid for unused compensatory time at a rate of compensation not less than the higher of:

- 1) The average regular rate received by the employee during the three-year (3) period immediately prior to termination, or
 - 2) The final regular rate received by the employee.
- f. Exempt Employees: Employees who are exempt from the Fair Labor Standards Act are not entitled to automatically accrue compensatory time.
2. Leave Time
- a. General Government Employees: Paid leave time, such as vacation, holidays, sick leave, or workers' compensation will be considered as hours worked for purposes of determining eligibility for overtime payment.
 - b. Firefighting and Emergency Medical Service Personnel: Time not actually worked will not be considered as hours worked when calculating FLSA overtime payment for Section 207(k) firefighting and emergency medical service personnel assigned to shift duty.
3. On-Call Time: Employees who are "on-call" are free to use their time effectively for their own purposes as long as they leave word with the appropriate supervisory officials as to where they can be reached and are able to respond within a reasonable and acceptable time. As such, on-call time is not compensable unless an employee is actually called to work, and on-call time which is not worked will not be included for purposes of calculating overtime. An employee who is free to perform personal activities but is required to be available to summons via pagers, phone, or radio is not working while on call.
4. Waiting Time: Employees who arrive at work before their scheduled hours, unless working approved overtime, are not eligible for compensation for that period of time. Supervisors are responsible for ensuring that employees do not perform work outside their

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scheduled work hours without prior approval. Disciplinary action may be taken against employees and/or supervisors who fail to comply with scheduled hours of work.

5. **Rest Periods:** At the discretion of the department head, employees may be granted two (2) fifteen-minute (15) paid rest periods each day. Rest period schedules shall be granted by the department. Rest periods may not be combined with the normally scheduled meal period for purposes of extending the meal period. Employees who do not receive rest periods may not alter their normal work day by leaving early and/or arriving late.
6. **Inactive Hours:** An employee shall not receive pay for inactive hours. Inactive hours are those hours which the employee was regularly scheduled to work but does not work due to inclement weather, equipment breakdown, or other sufficient reasons as determined by the department head. Hours that the employee may serve, pending a determination of whether or not it is possible to work, shall be charged as hours worked and compensated appropriately. Hours will not be considered inactive unless the employee is completely relieved from duty until a definite, specified time and allowed to leave the job for a period of time long enough to use the time as he or she sees fit.
7. **Meal Periods:** Uninterrupted meal periods of at least 30 minutes, during which an employee is completely relieved from duty, are not compensable and will not be included in hours worked for purposes of calculating overtime. However, if an employee is required by his/her supervisor to work during the meal period, he/she will be compensated.
8. **Travel Time**
 - a. **Between Home and Work Site:** Under ordinary circumstances, time spent by an employee traveling between home and work and returning home is not compensable. However, if an employee has gone home after completing a day's work and is subsequently called out on an emergency, time spent traveling to and from the location where work is performed will be compensable.

- b. **One Job Site to Another:** Travel by an employee from one job site to another job site during the work day is compensable. When an employee is required to travel out of town for one day, time spent traveling from home to the location of a common carrier is not compensable, but all other travel time is compensable. Where employees travel overnight on business, travel time during normal working hours, on non-working days as well as regular working days, is compensable. Time spent traveling outside of regular working hours is not compensable and will not be included in hours worked for purposes of calculating overtime.

9. **Training Time**

- a. **Exclusion Criteria:** Time spent by employees in training programs, lectures and safety meetings is not counted as working time if:
 - 1) It occurs outside the employee's regular working hours
 - 2) Attendance is voluntary
 - 3) The employee does no productive work while attending
 - 4) The program, lecture, or meeting is not directly related to the employee's jobMoreover, even if all of the above requirements are not met, attendance outside of regular working hours at specialized or follow-up training, required by the law of a higher level of government, will be considered non-compensable and will not be included in hours worked for purposes of calculating overtime.
- b. **If Training Required:** Training must be considered hours worked if the employee is required to attend by the City or if the employee is led to believe that continuance of employment or present working conditions would be adversely affected by non-attendance.
- c. **Self-Development Excluded:** Training may not be considered hours worked if the employee, on his/her own initiative, attends an independent school, college,

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meeting, or independent trade school after hours.

10. Volunteer Service

a. For Nonexempt Employees: Non-exempt employees who, with the approval of their department head, perform work outside of their scheduled work hours shall be compensated for this time regardless of the employees' voluntary intentions. Supervisors who know or have reason to believe that work is being performed away from the customary workplace must count the time as hours worked.

b. Time Compensated: Nonexempt employees will not be compensated for volunteer work unless those volunteer duties are the same type of services that the employee regularly performs as part of his or her job. Employees are responsible for requesting approval to perform volunteer services for which they expect to be compensated and securing approval from their department prior to performing said volunteer services.

11. Processing Complaints or Appeals: Time spent adjusting grievances at City-required meetings during a nonexempt employee's regular hours of work is compensable time. Time spent adjusting grievances outside of an employee's regular work schedule is work time only if the time spent by the employee has been required by the City.

VII. COMPENSATORY TIME

1. Use of Compensatory Time

a. Authorizing Comp Time: An employee who has accrued compensatory time may request the use of compensatory time off at any time. The department shall grant the use of compensatory time as requested by the employee unless the employee's absence from work would be unduly disruptive of departmental operations.

b. Disciplinary Actions: Employees on disciplinary suspension without pay may not use accrued compensatory time to recuperate the time lost due to the disciplinary suspension.

2. Payment for Compensatory Time

a. At Termination: See Chapter 10.6 (1) (e).

b. Promotions: Nonexempt employees who are promoted or reclassified into an exempt position shall continue to be allowed to use any previously accumulated compensatory time which was gained while employed in a nonexempt status until all time has been depleted subject to Chapter 10.6 (1) (d). Upon termination, unused compensatory time will be paid in conformance with Chapter 10.6 (1) (e).

VIII. SALARIED EMPLOYEES

1. General

All full-time employees of the City classified as exempt are paid on a salaried basis. The inclusion of an hourly rate in the compensation plan does not designate an employee as being paid on an hourly basis under applicable wage and hour laws, but merely is an accounting convenience.

2. Discretionary Time

Exempt employees are expected to perform a function that is not strictly defined by an established number of hours. Exempt employees, who in the opinion of the department director, have worked beyond a normal workweek may be granted discretionary time off in accordance with the procedures below.

a. Eligibility: Exempt employees may be eligible for accumulated discretionary time.

b. Use of Discretionary Time: Exempt employees may take discretionary time off within a reasonable period following their requests. Discretionary time off must not unduly interrupt departmental

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operations and must have supervisory approval.

- c. Unused Discretionary Time: Exempt employees will not be paid for accumulated unused, discretionary time upon termination.
d. Recordkeeping and Administration: Department heads/division managers are responsible for discretionary time records and policies for use of discretionary time for their exempt employees.

IX. PAY PLAN ADMINISTRATION

The Human Resources Department shall be responsible for the administration and maintenance of the City's Pay Plan. The City's Pay Plan includes merit increases, salary grades, salary ranges and other compensation items. The Pay Plan is subject to revision each fiscal year through the budget process.

- 1. Pay for New Employees
a. Hiring Salary: All new employees shall be employed at minimum rate of pay for the position's current grade.
b. Merit Increase: Employees are eligible for annual merit increases based on the date of hire.
2. Pay for Promotions
a. Promotions: A promotion is defined as a change from a pay grade with a lower midpoint to a pay grade with a higher midpoint.
3. Pro-Rated Merit Increase: Upon promotion or lateral transfer, individuals

whose last review was three months or more prior to lateral transfer or promotion may be eligible to receive a pro-rated merit increase based on the number of months since last review date. The Pro-Rated Merit increase is given before the promotion increase is calculated. A new performance review by the out-going supervisor is required to determine eligibility for a pro-rated merit increase.

- 3 month = 25% of eligible merit increase
4 month = 33% of eligible merit increase
5 month = 42% of eligible merit increase
6 month = 50% of eligible merit increase
7 month = 58% of eligible merit increase
8 month = 67% of eligible merit increase
9 month = 75% of eligible merit increase
10 month = 83% of eligible merit increase
11 month = 92% of eligible merit increase

4. Pay for Reclassification: A reclassification may occur when there is a major change in duties and/or responsibilities of an individual's job. Requests for a reclassification job audit shall be submitted by the department head to the City Manager. Upon the City Manager's recommendation, the Human Resources Director shall analyze the job and recommend appropriate action to the City Manager.

- a. If No Grade Change: Reclassification actions which do not change the position's salary grade shall result in no increase to the incumbent's salary.
b. If Grade Changes: Reclassification actions which adjust the salary grade upward shall be governed by the provision set forth in Chapter 10.9 (2) "Pay for Promotions" of this chapter.

5. Pay Upon Demotion

- a. Disciplinary
Employees who are demoted for disciplinary reasons shall receive a salary decrease commensurate with the degree of pay grade change.

Employees will be evaluated annually and eligible for a merit increase 12 months from date of demotion.

- b. Non-disciplinary
1) Maximum Pay: Regular full-time employees who receive a non-disciplinary demotion may

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have their pay reduced within the pay range of the new grade. However, the pay shall not exceed the highest salary in the new pay grade. The performance review date shall not change for non-disciplinary demotions.

6. **Out-of-Class Pay**

- a. **Minimum Increase:** Any regular full-time employee who is assigned temporarily to work in a regular full-time position with a higher pay grade midpoint than his or her own shall be eligible for a 5% salary increase or the new grade's minimum salary, whichever is higher.
- b. **Minimum Time Period:** An employee temporarily assigned to serve in a higher-level position must meet the position's minimum qualifications, be qualified to and actually perform the full range of duties of the higher-level position, and perform the position's duties for two (2) or more complete work days to be eligible for out-of-class pay. Once eligible, all days worked in the higher classification shall be compensated at out-of-class rate. The two-day (2) waiting period does not apply to employees subject to provisions of the Texas Local Government Code, Chapter 143.
- c. **Maximum Time Period:** No employee shall be allowed to work in a higher classification for more than thirty (30) calendar days. Department head requests for extended out-of-class pay shall be in writing and referred to the Human Resources Director who shall analyze the request and recommend appropriate action to the City Manager. Employees subject to provisions of the Texas Local Government Code, Chapter 143, shall not be subject to the thirty-day (30) maximum restriction.
- d. **On-the-Job Training:** Employees performing the duties of a higher classification for purposes of on-the-job training are not eligible for out-of-class pay.

e. **Positions Excluded:** The positions of City Manager, Assistant City Manager, City Council-appointed positions, and Department Directors or their organizational equivalents are excluded from out-of-class pay provisions.

f. **Prior Authorization:** All job assignments requiring out-of-class pay require prior authorization of the department head.

7. **Training and Incentive Pay**

a. **Minimum Requirements Excluded:** Training and incentive pay shall not be paid for certifications, licensures, etcetera, which are minimally required qualifications of the position as specified in the official job description.

b. **Implementation Approval:** Department head requests to implement training and incentive programs shall be in writing and referred to the Human Resources Director who shall analyze the request and recommend appropriate action to the City Manager.

8. **Stability Pay**

a. **Program Abolished:** On October 1, 1983, The City's stability pay program was abolished. All stability pay accrued as of that date remains in force and effect for those employees entitled thereto by virtue of past services. Stability accrued during the calendar year 1983 will be at current pay rate as of September 30, 1983, rather than base rate. Stability pay so computed shall be frozen at that level throughout each employee's future tenure.

b. **Payment Calculation:** Employees in service on December 1, 1983, will be paid the difference between longevity paid in the calendar year and any frozen stability pay calculated.

c. **Upon Retirement:** Employees retiring from service during the calendar year shall be paid the prorated difference between longevity and frozen stability pay based upon the actual number of full months worked during the calendar year.

d. **Retirement Defined:** For purposes of this section, retirement is defined as a

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separation from employment after which an employee receives a monthly annuity from the Texas Municipal Retirement System. In the event the employee was not a member of the Texas Municipal Retirement System, "retirement" is defined as a voluntary separation of employment after fifteen (15) or more years of service with the City of Mesquite.

9. **Longevity Pay:** All regular full-time employees who have completed a full continuous year with the City are eligible to participate in the City's longevity program. Longevity pay increases are calculated on the first day of the employment anniversary month. Changes in employment status from part-time or seasonal to a full-time probationary appointment shall be treated as a new hire and subject to the same procedures. Longevity pay shall be earned as follows, commencing with such employee's employment anniversary date:

<u>Number of Years Employed</u>	<u>Longevity Amount</u>
Up to five years:	\$4/month for each year of service
Five through nine years:	\$6/month for each year of service
Ten through fourteen years:	\$8/month for each year of service
Fifteen or more years:	\$10/month for each year of service up to a 25-year maximum

10. **Holiday**

- a. **Eligibility:** Only employees in full-time positions are eligible for paid holidays. Holiday pay shall be received for those holidays officially observed by the City.
- b. **Absences:** A new employee whose first scheduled day is the day after a holiday shall not be paid for that holiday. An employee must work the day before and the day after the holiday to receive holiday pay. Employees in an authorized paid leave status will receive holiday pay.
- c. **Working on Holiday:** As many employees as possible shall be given each holiday off without loss of pay.

Employees who, because of the nature of their work cannot be given time off shall, at the discretion of the department head, receive holiday time in addition to their regular rate of pay for the actual time worked or have their holiday rescheduled at a later date.

- d. **Alternate Holidays:** Employees wishing to observe religious holidays not officially observed by the City shall, at their option and with the approval of the department head, be given time off without pay or the time charged to their accrued vacation or compensatory time.
- e. **Termination:** An employee who is terminating employment and whose last day as a paid employee is the day before a holiday, shall not be paid for that holiday. An employee whose last day is on that holiday shall not receive holiday pay unless they actually work on that holiday.
- f. **Official Holiday:** The day the City observes the holiday shall be considered the "holiday" for all City employees.
- g. **On Regular Day Off:** If an employee's regular day off falls on a holiday, the department may compensate the employee in one of the following ways:
 - 1) The employee may be paid an additional eight (8) hours
 - 2) The employee may schedule another day off from their regular assigned work schedule
- h. **Disciplinary Action:** Employees who are off without pay due to a disciplinary suspension shall not receive holiday pay. Employees who are off without pay, for any reason, the day before or the day after the holiday shall not receive holiday pay or accrue holiday pay.
- i. **Determination of Other Compensation Issues:** Questions regarding compensation that are not covered by the above regulations shall be referred in writing to the Human Resources Director for determination.

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11. **Emergency Call-Back Pay**

- a. **Defined:** Defined as times when a nonexempt employee is called back to work after/before regular working hours or required to work a double shift due to the absence of another employee.
- b. **Pay:** Employees called back shall receive a minimum of two (2) hours at the rate of time and one-half pay.
- c. **Multiple Call Backs:** Employees may not receive more than two (2) call-back credits in any eight-hour (8) work period. A multiple call-back occurs when an employee returns home and is recalled to their work site. Responding to a recall after being released but prior to returning home does not constitute a multiple call back.
- d. **Department Records:** Departments are responsible for documenting the call-back reasons and maintaining documentation in the department for a period of three (3) years.

12. **Inclement Weather**

- a. **City Policy:** The City is responsible for providing Police, Fire, water, sewer, sanitation and other services to the citizens of Mesquite with or without inclement weather conditions. Given these responsibilities, it is the City's policy to be open for business under all types of weather conditions.
- b. **Reporting to Work:** All employees shall be required to work on their normally scheduled work days regardless of inclement weather conditions unless instructed otherwise by their department head or supervisor.
- c. **Supervisory Notification:** Department heads are responsible for ensuring that their operations are adequately staffed during periods of inclement weather. Employees who miss work or expect to be late for work due to inclement weather conditions must notify their department head or supervisor immediately. Failure to properly notify may result in disciplinary action.
- d. **Time Missed:** Employees who miss work due to inclement weather may use

accrued vacation or compensatory time to compensate for the lost time. Employees with no vacation or compensatory time accrued shall not be reimbursed for the lost time.

X.
PERFORMANCE REVIEW

- 1. **Overview:** The performance pay system is established for purposes of rewarding those employees who demonstrate and maintain a high level of performance. The amount of the increase received shall be commensurate with the performance review. Merit increases may be deferred, pending improvement in performance, when processed in accordance with established procedures.
- 2. **Merit Increase Effective Dates:** When review dates occur in the first week of the pay period, merit increases are effective on that pay period. When review dates occur in the second week of the pay period, merit increases are effective the following pay period. Promotions, disciplinary demotions and lateral transfers will result in a new merit review date. With the exception of non-classified employees, no merit increase shall be processed without the completion of a performance review.
 - a. **First Seven Days:** Should the anniversary date fall within the first seven (7) days of the payroll period, the merit increase shall be effective that payroll period.
 - b. **Last Seven Days:** Should the anniversary date fall within the last seven (7) days of the payroll period, the merit increase shall be effective the following payroll period.
- 3. **Non-Periodic Increases:** Non-periodic increases may be granted to employees who clearly demonstrate service of an unusual and exceptional quality upon recommendation of the department head and approval of the City Manager. Non-periodic increases may not exceed one (1) per employee per fiscal year.

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XI.
DISTRIBUTION OF PAYROLL CHECKS

1. **Release of Employee's Check:** A designated individual may pick up a current employee's pay check if the employee specifies in writing that the person may do so. The designated individual, if unknown to the party authorized to release the check, will be required to provide valid photographic identification.
2. **Termination Checks**
 - a. **Pick Up:** Termination checks will be distributed to the terminated employee at the Human Resources Department.
 - b. **City Property:** Departments are responsible for obtaining all City property from terminated employees prior to release of their termination checks.
 - c. **Mailing Check:** Terminated employees who are unable to pick up their final check in person must inform the Human Resources Department of this situation and make arrangements for the final check to be sent to them via registered mail. Prior to release of all final checks, the terminated employee must have returned all City property to employee's designated department or authorized the deduction of an amount sufficient to reimburse the City. The employee is responsible for ensuring that the address on file with the Human Resources Department is current.
 - d. **Involuntary Discharge:** All employees who are discharged involuntarily shall receive all wages due them six (6) days after the date of termination. All employees who voluntarily leave employment with the City shall be paid on the next regularly scheduled payday.

END OF PART ONE OF
THE POLICIES AND PROCEDURES MANUAL
PART TWO IS CONTINUED UNDER 3566-B