

PART TWO

THE POLICIES AND PROCEDURES MANUAL

PART ONE IS UNDER 3566-A

CHAPTER 11
RESIGNATIONS

I.
NOTICE

A resignation is defined as a timely written notice to the employee's supervisor of intention to terminate or retire from employment. To be considered timely and to allow for an orderly transfer of functions, employees are required to provide at least ten (10) workdays' notice prior to their last actual work day. The written resignation shall include: the requested effective date of the resignation, the reasons for resigning, and signature of the employee. Resignations are not grievable or appealable.

II.
ACCEPTANCE

Upon receipt by an authorized supervisor, the notation "Accepted," date received, and signature of the supervisor will be placed on the document and promptly forwarded to the Human Resources Department.

III.
RESIGNATION WITHDRAWAL

An employee wishing to request the withdrawal of an "accepted" resignation shall submit a written statement to the department outlining the basis for the request. Once a resignation is tendered by the employee and accepted by the department, it may not be withdrawn unless all concerned parties thereafter agree in writing.

IV.
FAILURE TO NOTIFY

Failure to comply with provision 11.1 Notice, or other requirements of **Chapter 11**, will result in employee's forfeiture of accrued benefits or leave to which they would normally be eligible upon termination, except those required by law.

V.
RESIGNATION IN LIEU OF DISCHARGE

A resignation in lieu of discharge will be considered as separation for misconduct, as specified in **Chapter 8.2 (4)**.

VI.
JOB ABANDONMENT

Absence for two (2) or more consecutive days without prior authorization constitutes job abandonment and will result in the employee's termination. Termination for job abandonment is considered as failure to notify [**Section 8.1 (B) (1)**].

VII.
ORAL RESIGNATIONS

In instances where only an oral resignation is tendered, or actions by the employee indicate their intent to resign, the supervisor shall promptly communicate the facts in writing to the Human Resources Director for inclusion in the employee's Human Resources file. Oral resignations shall be considered as failure to notify [**Chapter 11 (11.4)**].

VIII.
RETIREMENT

To permit an orderly transfer of duties and ensure proper processing of retirement benefits, an employee is expected to submit notification of their retirement sixty (60) days prior to their last actual work day.

**CHAPTER 12
COMPLAINT RESOLUTION PROCEDURE**

**I.
DEFINED**

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. If a situation occurs that an employee believes is detrimental to his/her employment, the complaint procedure shall be used to bring the concern to management's attention. Employees who fail to follow procedures established in this chapter to air their complaint will be subject to disciplinary action.

**II.
DEPARTMENTAL COMPLAINT PROCEDURE**

Step 1

Discuss the concern with your immediate supervisor.

Step 2

If your concern is not resolved after discussion with your immediate supervisor, you should request a meeting with the next level of supervision as designated by your department head.

Step 3

The final level of departmental discussion will occur at the departmental head level or the organizational equivalent.

**III.
CHAIN OF COMMAND**

The only reason for which an employee shall be allowed to bypass the established chain of command in an attempt to resolve their complaint is when the person at the next level in the chain of command is the source of the complaint. Complaints which have not followed the chain of command will be referred to the proper level in the department for processing and, depending on the circumstances, may subject the employee to disciplinary action.

**IV.
INFORMALITY ENCOURAGED**

Departmental complaints and reviews will normally be informal and may be made orally or in writing,

depending on the nature of the complaint. The department, in order to establish the facts or clarify the employee's concern, may request that the complaint be presented in writing.

**V.
TIME LIMITATIONS**

Although no specific time limits are established for reviewing and responding to employee complaints, it is expected that responses will be expeditiously provided to the employee.

**VI.
APPEAL TO THE CITY MANAGER**

If a complaint has not been satisfactorily resolved at the departmental level, it may be presented for review by the City Manager. All complaints forwarded to the City Manager shall be in writing, clearly stating the employee's concern and the relief the employee is seeking. The City Manager will review the written complaint, and any action taken by the City Manager shall be considered final.

**VII.
ACTIONS EXCLUDED FROM THE
COMPLAINT PROCEDURE**

The following actions are excluded from the complaint procedure:

1. Involuntary demotion
2. Suspension
3. Termination
4. Job abandonment
5. Layoff
6. Appeal of injury leave
7. Performance evaluation
8. Allegations of sexual harassment
9. Other actions for which specific resolution procedures are provided

**VIII.
REPRISAL PROHIBITED**

Supervisors and other employees are prohibited from penalizing, harassing, or otherwise retaliating against a fellow employee for a good-faith use of the complaint procedure described in this chapter.

CHAPTER 13 EMPLOYEE SAFETY AND HEALTH

I. PROGRAM MANAGEMENT

The Human Resources Department is responsible for the management and administration of the City's workers' compensation and employee safety/risk management program. The safety program includes, but is not limited to, the following areas: accident and injury investigation, safety training, general liability assessment, facility inspection, evaluation of hazardous work activities or environment, and return-to-work releases.

II. WORKERS' COMPENSATION

An employee injured on the job and in the line of duty will be eligible for workers' compensation according to established state law.

III. FAILURE TO REPORT INJURY OR ILLNESS

1. **Employees:** Employees must report in writing their on-the-job injury/illness, however minor, to the designated department representative by the next business day or the employee's next assigned shift, whichever is sooner. Violation of this policy will result in loss of the employee's salary supplemental pay while on injury absence and/or disciplinary action.
2. **Supervisory Personnel:** Upon receipt of a report of injury, supervisory personnel must report a subordinate's injury/illness, however minor, to the Human Resources Department by the next business day or by the supervisor's next assigned shift, whichever is sooner. Violation of this policy will result in disciplinary action.

IV. MEDICAL EXAMINATIONS

1. **Initial Examinations:** Employees sustaining an on-the-job injury requiring medical treatment other than first aid shall be required to be initially examined by one of a panel of preferred medical providers chosen by the

City. Exceptions to this policy may be granted under the following circumstances:

- a. When the urgency of medical treatment results in an emergency room visit.
 - b. Circumstances involved justify waiving the initial examination by the Director of Human Resources.
2. **Lost-time Examinations:** If an employee is not initially examined by one of a panel of preferred medical providers chosen by the City and the employee loses more than two working days as a result of a work-related injury/illness, then the employee must be evaluated by one of a panel of preferred medical providers chosen by the City as soon as practical.
 3. **Failure to Comply:** An employee's failure to comply with this section, unless authorized to do so in writing by the Human Resources Director, shall be considered in violation of the City's workers' compensation policy. Violation of this policy will result in disciplinary action.

V. INJURY ABSENCE

1. **Injury Absence Time Limit:** Injury absence is time allowed to an injured employee to recover from a work-related injury. The payroll time may either be charged and accumulated as injury absence with pay, injury absence without pay, injury absence with pay - FMLA, injury absence without pay - FMLA (Family Medical Leave Act, see Chapter 3.1) or injury absence without pay - FMLA. Injury absence is subject to a time limit not to exceed six (6) months of equivalent work hours per injury (1,040 work hours). Injury absence does not include sick or vacation leave. FMLA and modified duty will run concurrent with injury absence.
2. **Injury Absence Under Eight Days:** Eligible employees absent due to an on-the-job injury for under eight (8) calendar days will receive supplemental pay according to the City's Supplemental Payments Policy [13.6] during said absence unless found to have violated the provisions of this policy or found to have

CHAPTER 13
EMPLOYEE SAFETY AND HEALTH

committed a "chargeable" act. Employees who are not eligible to receive supplemental pay may use their accrued sick and vacation in accordance with Chapter 13.6 "Salary Supplement Payments" and the City's vacation and sick leave policies.

- 3. Injury Absence Over Seven Days: Employees absent due to an on-the-job injury over seven (7) calendar days will receive compensation in accordance with the Texas Workers' Compensation Act and the City's Supplemental Payments Policy (Reference Chapter 13.6).
4. Accrual of Benefits: Employees shall continue to accrue vacation and sick leave at their regular rate while on paid injury absence.
5. Use of Accumulated Sick and Vacation Leave: Employees who are not eligible to receive supplemental pay may use their accrued sick and vacation in accordance with Chapter 13.6 "Salary Supplement Payments" and the City's vacation and sick leave policies.
6. Modified Duty: For each incident, modified duty may not exceed six months or 180 calendar days.
7. Non-Disciplinary Separation: Upon exhaustion of injury absence, available modified duty, and all accumulated sick or vacation 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.
8. Injury Absence Extension: The City Manager may, after all leave is exhausted, authorize an extension of injury absence under exceptional circumstances and in cases where a full-duty work release is anticipated.

absence extension, the City Manager will consider the following:

- a. Employee longevity
b. Work record
c. Recommendation of department head

VI. SALARY SUPPLEMENT PAYMENTS

The supplemental payments benefit provides eligible regular full-time employees who are injured during the course of employment with pay in addition to Temporary Income Benefits under the Texas Workers' Compensation Act (commissioned Fire and Police personnel will receive work-related injury benefits in accordance with the state workers' compensation law, as well as applicable state and local civil service statutes). Payments will be in an amount equal to the difference between any workers' compensation Temporary Income Benefits payments and the employee's net pre-injury wage.

- 1. Eligibility Requirements for Salary Supplement: Eligibility requirements are based on employment status (only regular full-time employees are eligible for salary supplement) and length of service with the City. Salary supplement payments will be made to eligible employees based on the guidelines below:

Table with 2 columns: Length of Service, Salary Supplement. Rows: Less than 1 year (No), Greater than 1 year (Yes)

- 2. Suspension of Salary Supplement Payments: Salary supplement payments may be suspended at any time for the employee's failure to comply with City policies, procedures, or directions.
3. Grounds for Suspension of Injury Absence and/or Salary Supplement Payments: The following are grounds for denial or suspension of injury absence, including salary supplement payments. The following may also be grounds

CHAPTER 13
EMPLOYEE SAFETY AND HEALTH

for disciplinary action in accordance with Chapter 8.

- a. If employee is awaiting a final injury chargeability decision.
- b. If employee engages in work, whether part-time for pay or as a volunteer, while off work receiving or requesting salary supplement payments.
- c. If employee is terminated for any reason.
- d. If an employee fails or refuses to comply with the instructions or advice of a treating physician to improve his/her condition.
- e. If employee fails to act in a manner consistent with being off work convalescing.
- f. If Workers' Compensation indemnity payments are stopped.
- g. If employee refuses to accept or perform a different or modified-duty assignment with the City that, in the opinion of a treating physician, is within the employee's physical capacity and for which the employee is able, qualified, and/or will be trained.
- h. If employee refuses to submit to any independent medical examination or treatment in accordance with the Texas Workers' Compensation Statute.
- i. If employee refuses to return to regular duty after being released by a treating physician.
- j. If employee reports an injury requiring submission of an "alleged" report by the Human Resources Director.
- k. If employee fails to report an injury in compliance with this policy.
- l. If employee fails to keep the immediate supervisor informed on a weekly basis as to the status of the injury when off work receiving salary supplement payment.
- m. If employee submits a claim which is denied by the City's Workers' Compensation administrator.
- n. If employee refuses to cooperate with City administration in ascertaining facts, information, and requests

concerning the status of the injured employee.

- o. If employee fails or refuses to take any post-accident drug or breath alcohol test.
- p. If employee sustains an injury ruled "chargeable" by the Incident Review Committee.
- q. If employee is not initially examined by one of the panel of preferred medical providers chosen by the City in accordance with section 13.4 of this chapter.

4. **Appeal of Injury Absence:** Denial of injury absence or salary supplement payments in compliance with these policies is not appealable to the Trial Board or subject to the complaint process. An injured employee may not use the appeal or complaint process to restore past, present, and/or future denied salary supplement payments.

VII.
MODIFIED DUTY

In the sole discretion of an employee's department head, an employee who is temporarily unable to perform one or more of the "essential requirements" of their job due to a work- or non-work-related injury or an illness may be assigned modified-duty work. Modified-duty work is defined as a temporary job assignment provided to an employee who, due to an illness or injury, is temporarily unable to perform one or more of the essential requirements of their job. A modified-duty assignment may involve an assignment whereby an employee is working less than eight hours a day or fewer than five days a week. For each incident, modified-duty assignment(s) may not exceed a total of six months (180 calendar days). Partial days worked as time off, paid or unpaid, during the modified-duty assignment(s) shall count towards the 180 days total. An employee's absence from regular work hours, i.e., hours based upon a 40-hour work week during the period of modified duty, will be charged against their approved leave time or if leave time is not available, be recorded as appropriate pursuant to City policy. A modified-duty assignment may be terminated at the discretion of the employee's department head. A

**CHAPTER 13
EMPLOYEE SAFETY AND HEALTH**

modified-duty assignment will be approved only when the following conditions and responsibilities are met:

1. **Conditions for Approving Modified Duty:**
 - a. The proposed modified-duty assignment includes duties that are meaningful in that the modified-duty assignment benefits the City and provides needed services to the citizens of Mesquite.
 - b. The disability is judged by the employee's treating physician to be of a temporary nature.
 - c. The department decides that there is an availability of work, and there is an ability to accommodate the modified-duty assignment.
 - d. Modified-duty releases outline limitations for lifting, walking, stooping, bending, carrying, driving, and/or other specific limitations of the injured/ill employee.
 - e. The employee fulfills all of the recertification requirements for extending modified-duty assignments.
 - f. Department head approval.
2. **Employee Responsibilities:**
 - a. Obtain a medical release from his/her treating physician. A medical release must contain a prognosis and an estimated date for the employee's complete recuperation and return to regular duty. The medical examination for an off-the-job injury or illness will be at the employee's expense.
 - b. Sign a Modified Duty Agreement. Procedures for the administration of the Modified Duty Agreement will be available for review within each department and Human Resources.
 - c. Upon release to full duty with no physical restrictions, report to the assigned supervisor with the treating physician's statement showing that the employee has been released to full duty with no restrictions.
3. **Supervisor Responsibilities:**
 - a. Assign work hours and maintain time reports.

- b. At the inception of the modified-duty assignment and prior to returning to full duty, forward the Modified Duty Agreement along with the medical documentation to the Human Resources Department.
4. **Recertification for Modified Duty Assignment:**
 - a. The departments will be given an opportunity to periodically assess their staffing needs and status of modified-duty employees. Therefore, employees working a modified-duty assignment must recertify approximately every 45 calendar days.
 - b. Recertification Procedure:
 - 1) Employee must obtain a medical release from his/her treating physician. A medical release must contain a prognosis and an estimated date for the employee's complete recuperation and return to regular duty. The medical examination for off-the-job injuries or illnesses will be at the employee's expense.
 - 2) Sign a Modified Duty Agreement. Procedures for the administration of the Modified Duty Agreement will be available for review within each department and Human Resources.

**VIII.
INCIDENT INVESTIGATIONS**

Upon receipt of the incident report, the department head and the Risk Manager will review and render a ruling of "chargeable" or "non-chargeable" and, if applicable, identify additional individuals' causal to the incident. A "chargeable" incident is defined as "the failure to follow policy, instructions, or safe work practices, which directly contributed to an incident that resulted in property damage or injury."

CHAPTER 13 EMPLOYEE SAFETY AND HEALTH

IX. EMPLOYEE APPEAL TO DEPARTMENT HEAD

Employees receiving a formal notice of a "chargeable" decision by the Risk Manager may request a Department Incident Review Conference with the department head or his designee and the Risk Manager. The appeal must be in writing and made within five (5) days of receipt of the formal notice. If, after review, the department head believes the incident should be ruled "non-chargeable", a written request to convene the Incident Review Appeal Board may be filed with the Director of Human Resources.

X. INCIDENT REVIEW APPEAL BOARD

The City's Incident Review Board is established to determine the causes and assess the responsibility of injury and vehicle accidents. Furthermore, the Board will seek to identify why the unsafe acts or conditions are occurring and determine whether prevention controls are being utilized.

1. **Board Membership:** The Board shall consist of an Assistant City Manager, two (2) supervisors not in the appealing Director's department, one (1) supervisor in the appealing Director's department, and each shall be a voting member. The Assistant City Manager shall also function as Board Chair, and the Director of Human Resources as Secretary.
2. **Review of Factual Evidence:** The Board will review the facts of the case as previously developed without the presentation of new evidence.
3. **Board Decision:** All decisions of the Board shall be by majority vote. In the event of a tie, the recommendation of the Director of Human Resources shall prevail.
4. **Chargeable Incidents:** Employees shall be subject to progressive discipline for causing a chargeable accident or injury or for any other applicable violation as stated in Chapter 8 of this policy manual. Progressive discipline shall be based on the circumstances, severity, liability and/or number of prior incidents

determined chargeable. Discipline will include a minimum of one of the following...

- Oral Warning – (Documented)
 - Written Reprimand
 - Suspension
 - Demotion or Termination
5. **Supervisory Discipline:** Any supervisor who fails to comply with the provisions or intent of this policy shall be subject to disciplinary action up to and including termination.

XI. APPLICANT AND EMPLOYEE MOTOR VEHICLE/EQUIPMENT OPERATOR STANDARDS

1. **Statement of Purpose:** The purpose of this policy is to establish guidelines covering minimum standards for the qualification of applicants to operate City vehicles/equipment. In addition, it is the desire of the City to minimize the risks of vehicle/equipment accidents by improving the quality of drivers by permitting only those employees with appropriate licenses, insurance coverages, and acceptable driving records to operate City vehicles/equipment. The following driver standards apply to all positions classified as "primary drivers" or where duties of the position necessitate the operation of a motor vehicle/equipment on City business as determined by the job description.
2. **Required Verification:** No employment action shall be final until appropriate driving history verification and evaluation by the Human Resources Department has been completed.
3. **Evaluation Period:** The evaluation period shall be for seven (7) years immediately preceding consideration for initial appointment. Applicants failing to meet selection standards will not be considered until their record for the prior seven (7) years meets the minimum qualifications.
4. **Minimum Qualifications/Standards for Initial Applicant Consideration:**
 - a. Before beginning work in the position, the applicant must possess a current, valid Texas driver's license that is not

CHAPTER 13
EMPLOYEE SAFETY AND HEALTH

- under suspension or revocation in the appropriate class as established on the official position description for that position;
- b. The applicant must be physically qualified to hold a driver's license and to safely operate a motor vehicle and/or motorized equipment;
 - c. The employee/applicant must be insurable under the City's automobile insurance coverages/program.
5. **Grounds for Automatic Disqualification for Initial Appointment:** The applicant may not have a conviction or have been placed on deferred adjudication within the past seven (7) years for any of the following:
- a. Driving Under the Influence (DUI).
 - b. Driving While Intoxicated (DWI).
 - c. License suspended, revoked, or denied.
 - d. Manslaughter or criminally negligent homicide involving the operation of a motor vehicle.
 - e. Operating a motor vehicle with license suspended or revoked.
6. **Grounds Which May be Cause for Disqualification for Initial Appointment:** Conviction of three violations of the type listed below within the last 36 months immediately preceding consideration for employment may be grounds for disqualification:
- a. Operating a motor vehicle in violation of drivers license restriction.
 - b. Disregarding traffic control signals and devices.
 - c. Exceeding speed limit.
 - d. Illegal operation of motor vehicle without state-required auto insurance.
 - e. Two traffic accidents determined to involve contributory negligence.
7. **Employee Driving Standards and Driving Record Audits:**
- a. Only City employees or authorized personnel may operate City vehicles.
 - b. Employees who are in jobs requiring the driving/operating of City vehicles shall report any and all traffic convictions, citations for moving violations, and/or revocations incurred while operating a City vehicle to their immediate supervisor within 24 hours of the violation and/or conviction.
- c. All employees who drive during the course and scope of their employment shall be subject to periodic audits of their drivers license and driving records.
8. **Employee Loss of Driving Privileges:** Loss of driving privileges will occur to employees who are convicted or are on deferred adjudication for the following violations:
- a. Driving Under the Influence (DUI).
 - b. Driving While Intoxicated (DWI).
 - c. License suspended, revoked, or denied.
 - d. Manslaughter or criminally negligent homicide involving the operation of a motor vehicle.
 - e. Operating a motor vehicle with license suspended or revoked.
9. **Results of Lost Driving Privileges:** Employees who cannot drive City-owned, leased, borrowed, or rented vehicles and/or motorized equipment and are in a position which requires the operation of a vehicle and/or motorized equipment will be given a non-disciplinary termination within ten (10) days from the date the employee was determined ineligible for driving privileges.
10. **Employee Disciplinary Action for Motor Vehicle Violations:** Employees must report to their supervisor when they have been convicted of three (3) moving violations of the same or similar type listed below. Employees who are convicted of any violation of the type listed below or who have been involved in a vehicle accident that was determined to be his/her fault may be subject to progressive disciplinary action. The department director will evaluate convictions not noted on an individual basis.
- a. Operating a motor vehicle in violation of drivers license restriction
 - b. Disregarding traffic control signals and devices
 - c. Exceeding speed limit
11. **Procedures for Post-Accident Drug Screens:** See Chapter 16, Section 5.C. Post-Accident drug screens for CDLs, see Chapter 16, Section 6.7.

**CHAPTER 14
RETIREMENT**

**I.
MEMBERSHIP**

All regular employees of the City are required to become members in the Texas Municipal Retirement System.

**II.
VESTING**

Members with at least five (5) years of creditable service become "vested" and, if the funds are not withdrawn, are eligible to receive the City's contribution and accrued interest upon retirement.

**III.
ELIGIBILITY FOR RETIREMENT**

A member becomes eligible for "service retirement" under the Texas Municipal Retirement System if they have:

1. At least five (5) years of creditable service or combined creditable service and has reached age sixty (60), or
2. At least twenty (20) years of service regardless of age.

**IV.
BENEFITS**

The amount of the monthly benefit is based on and varies with the total deposits the member has made plus interest, the sums the City has agreed to pay, the member's life expectancy on retirement, and which payment plan options the member selects.

**V.
ADDITIONAL INFORMATION**

Due to the complexity of questions relating to the retirement program, only a brief summary of the program is provided. For additional information, contact the Human Resources Department.

CHAPTER 15
EMPLOYEE BENEFITS

I.
HOLIDAYS

1. City Observed Holidays

a. City Holidays: The City of Mesquite observes the following holidays:

- New Year's Day January 1
Martin Luther King Day 3rd Monday in January
Memorial Day Last Monday in May
Independence Day July 4
Labor Day 1st Monday in September
Thanksgiving Day 4th Thurs. in November
Thanksgiving Friday Friday after Thanksgiving
Christmas Day December 25
Floating Holiday Selected individually by regular full-time employees

b. Falling on Weekend: Officially-observed holidays which fall on a Saturday shall be observed on the preceding Friday. Holidays which fall on a Sunday shall be observed on the following Monday.

c. Floating Holiday: The floating holiday will be determined on an individual basis. Each regular full-time employee will be provided one (1) floating holiday per calendar year. This holiday must be taken during the calendar year and may not be carried over to the following year. Employees will be required to request the holiday using the same procedures for requesting vacation. The department has final approval on scheduling floating holidays.

II.
VACATIONS

Fire and Police employees covered by the Texas Local Government Code Chapter 143 are entitled to earn a minimum of fifteen (15) working days vacation leave each year.

1. Eligible Employees: Regular full-time employees are eligible to accrue and use vacation leave. Temporary, seasonal, part-time, or otherwise designated employees are not eligible to receive vacation leave.

2. Employee Hired Prior to October 1, 1986: Regular full-time employees hired prior to October 1, 1986, shall receive fifteen (15) working days vacation pay each year. Vacation shall accrue at a rate of one and one-fourth (1-1/4) days leave for each full month of completed service beginning in the first month of employment.

3. Employees Hired After October 1, 1986:

a. Less Than Five Years: Regular full-time employees hired after October 1, 1986, who have completed less than five (5) years continuous service with the City shall accrue, on a monthly basis, ten (10) working days vacation leave each year.

b. More Than Five Years: Regular full-time employees hired after October 1, 1986, who have completed more than five (5) years continuous service with the City shall accrue, on a monthly basis, fifteen (15) working days vacation leave each year.

4. All Regular Full-Time Employees:

a. Fifteen Years: Regular full-time employees who have completed fifteen (15) years continuous service with the City shall accrue, on a monthly basis, twenty (20) working days vacation leave each year.

b. Twenty-five Years: Regular full-time employees who have completed twenty-five (25) years continuous service with the City shall accrue, on a monthly basis, twenty-five (25) working days vacation leave each year.

5. Payment for Accumulated Vacation:

a. Good Standing: Classified employees leaving the service of the City in good standing following one (1) year of continuous service, shall be paid for accumulated vacation leave not to exceed twenty (20) working days. The vacation record of a terminating employee shall be calculated to a current basis to determine the amount of vacation due on termination.

b. Pay Period: Employees terminating before the end of a pay period shall not

CHAPTER 15
EMPLOYEE BENEFITS

accrue vacation leave for that pay period.

- c. No Cash Advances: Employees may not receive cash payment on accrued vacation except upon termination, retirement, or death. Cash payments in lieu of vacation to persons currently employed shall not be permitted.
d. Monthly Cut Off: Employees who enter City service before the sixteenth (16th) or leave the service after the fifteenth (15th) of any month shall earn vacation leave for that month.

6. Using Vacation Leave:

- a. Balances Deleted: Classified employees are expected to take their full vacation in the year in which it becomes due. Vacation leave will be calculated at the end of each calendar year, and excess balances will be deleted according to the number of vacation days earned per year:
10-15 days vacation Balances in excess of 240 hours
20 days vacation Balances in excess of 320 hours
25 days vacation Balances in excess of 400 hours
b. Leave Request: Employees wishing to schedule vacation must submit a Request for Leave of Absence form to their supervisor. Departments, when granting vacation leave, will give due consideration to the needs of the department and the ability of the remaining staff to perform the work.
c. Accrual: Vacation shall begin accruing upon appointment, but may not be used until successful completion of the probationary period.
d. Official Holidays: Official holidays occurring during an approved vacation leave shall not be charged against the employee's vacation leave.
e. One Day Minimum: Vacation leave should normally be taken for periods of not less than one (1) day. Less than one

(1) day leave periods may be approved when, in the judgement of the approving supervisor, such scheduling does not interfere with the duties and efficiency of the department.

- f. Consecutive Day Limit: The maximum vacation leave which can be taken by an employee in any one year is the number of days accrued at the time of vacation. Not more than fifteen (15) working days vacation leave may be taken consecutively without written approval of the department head.
g. No Advance: No classified employee shall be granted vacation leave in excess of the actual amount accrued.

7. Vacation Donation

- a. Policy: Employees may donate vacation leave to another employee whose earned leave has been or soon will be exhausted due to a non-work related serious injury/illness or due to an immediate family member's serious injury/illness or event resulting in death. An immediate family member is an employee's spouse, son, daughter, parent, stepparent, stepchild, grandparent, grandchild or other persons living within the same household. A written statement from a licensed medical practitioner substantiating the request is required.
b. Eligibility to Request Vacation Donation: Regular Full-time employees, not on their original probation, who have exhausted or are within seven calendar days of exhausting their vacation, sick leave (if applicable) and compensatory time may request vacation donation by completing the "Vacation Donation Request" form. Short-term injuries/illnesses with recuperation time of less than one week are not eligible.
c. How to Request Vacation Donation: Employees may ask for up to 12 weeks of Donated Vacation time per request. The form will be submitted, along with medical documentation, to the Department Director. The Director will

**CHAPTER 15
EMPLOYEE BENEFITS**

submit the form to the Human Resources Department if the request is in compliance with this policy. The Human Resources Department will send notification to each department notifying employees of the specific Vacation Donation Request. Employees must designate the number of weeks requested not to exceed the amount of time required by medical necessity. Subsequent requests up to the allowed 12 weeks may be made by the employee if medical need exists. Regardless of the amount of vacation donated, employees shall return to work as soon as medically able.

- d. Requesting More Than 12 Weeks: Directors may consider Vacation Donation requests in excess of the initial 12 weeks, not to exceed a total of 24 weeks. Directors may not approve Vacation Donation requests unless they can do so without causing undue hardships on existing staff or department resources.
- e. How to Donate Vacation: Employees may complete an "Vacation Donation" form and submit it to the Human Resources Department.

The minimum vacation donation is one-half day. There is no maximum donation amount, however, the donation may not reduce the available donor's vacation leave below 40 hours. Vacation Donation is on a day-for-day basis and is irrespective of pay rates*. Vacation Donations received will be randomly selected and credited on the designated employee's vacation account as it is used.

Unused donated vacation time has no monetary value and will be returned to the donor. The employee has no property right to the unused donated vacation.

* If an employee working a 56-hour week donates one day of vacation to an

employee working a 40-hour week, the recipient will receive one day of vacation at 8 hours. Conversely, an employee working a 40-hour week who donates one day at 8 hours to an employee working a 56-hour week, the recipient will receive one day of vacation at 12 hours.

- f. Privacy: Information about employees requesting a vacation donation will be cleared with the employees before it is publicized. Employees will be asked to authorize any statement on the "Vacation Donation Request" form. The employee has the right to maintain medical confidentiality and not express details of injury or illness.
- g. Restrictions: Donations may not be requested when an employee is receiving long-term disability payments. All leave earned by the employee receiving Donated Vacation must be taken prior to donated vacation. The use of donated vacation will be concurrent with FMLA leave if eligible.

State law prohibits granting of "prospective leave", that is, Vacation Donated cannot be applied to prior absences.

**III.
SICK LEAVE**

- 1. **Sick Leave Accumulation**
 - a. Accrual Rate: Sick leave shall begin accumulating immediately upon appointment at the rate of one and one-quarter (1-1/4) days leave for each full month of completed service beginning with the first full month of employment. An employee who enters the service before the sixteenth (16th) of any month shall earn one and one-quarter (1-1/4) days sick leave for that month.
 - b. No Accrual: Temporary, seasonal, and part-time employees shall not accrue sick leave benefits.

**CHAPTER 15
EMPLOYEE BENEFITS**

2. Using Sick Leave:

- a. **Personal Illness and Medical Treatment:** Sick leave may be used for purposes of permitting an employee to be relieved of their duties during actual personal illness or to secure necessary medical treatment and may not be used under any other circumstances.
- b. **Notification:** To receive sick leave, an employee must notify their immediate supervisor within the time limits established and published by their department. In the absence of established departmental time limits, the time limit shall be within one hour after the time set for beginning work.
- c. **Signed Statements:** Departments may require an employee to provide a signed statement from a physician attesting to the illness of the employee during the period of time when sick leave was granted. An employee who cannot provide such proof may be charged leave of absence without pay.
- d. **Restrictions:** Sick leave may be granted in periods of not less than one-hour (1) increments.
- e. **Advance:** The City Manager may, after all paid leave is exhausted, authorize an advance of sick leave under exceptional circumstances. Absent the City Manager's written approval, no employee may be granted advanced sick leave. After an employee's accumulated sick leave is exhausted the employee may request to use unused vacation and/or compensatory leave as sick leave.
- f. **Probationary Period:** Sick leave may be used as accrued during the probationary period.
- g. **During Approved Vacation:** Employees who become ill for more than one (1) day, while on approved vacation leave, may request that their vacation be temporarily terminated and time charged to sick leave. The employee may be required to submit a signed physician's statement attesting to the employee's illness and indicating the

number of days the employee was incapacitated due to illness.

3. Sick Leave Control: Employees who falsely request use of sick leave or abuse sick leave privileges shall be subject to disciplinary action.

a. **Departmental Sick Policies:** Department heads may, with the approval of the Human Resources Director, establish written policies controlling sick leave absences within their department.

b. **Departmental Responsibilities:** Department heads are responsible for maintaining and enforcing sick leave control within their departments.

4. Termination and Sick Leave:

a. **Paid at Termination:** General government employees terminating service with the City in good standing shall be paid for accumulated active sick leave subject to the following schedule:

Period of Employment	Amount Paid Upon Termination
0 to 3 years	None
3 to 5 years	1/3 of unused sick leave
5 to 6 years	2/3 of unused sick leave
6 years and up	All unused sick leave not to exceed ninety (90) days

b. **Re-employment Payback:** Employees seeking re-employment will be required to repay the City of any sick leave payments received at the time of termination. Terms of the repayment will be negotiated on an individual basis and documented in writing in the employee's official Human Resources file.

**IV.
HEALTH BENEFIT PLAN AND
PRESCRIPTION PROGRAM**

The following information is a summary of health benefits currently provided by the City of Mesquite.

**CHAPTER 15
EMPLOYEE BENEFITS**

In summarizing this information, technical jargon has been avoided. Any statement that is inconsistent with the official Plan Document is void. Rights to any benefit and the amount of the benefit will depend on the actual facts and provisions of the Plan Document.

1. **Health Plan Eligibility:**
 - a. Regular Full Time: Regular full-time employees shall be eligible for health benefits and prescription plans. Benefits become available to eligible employees on the first (1st) day of the month after the employee has been employed for thirty (30) days with the City.
 - b. Dependent Coverage: Dependents of regular full-time employees are eligible to participate in the health benefit and prescription coverage upon request by the employee. Newly-appointed employees may add dependents within thirty (30) days of their appointment date. Dependent coverage added after the thirty-day (30) enrollment period are subject to medical approval by the insurance carrier, and the dependent may be required to undergo a physical examination.
2. **Payment for Health Benefit Coverage:**
 - a. Employee Premiums: The City provides health benefits at no cost to the employee and subsidizes a prescription card program.
 - b. Dependent Premiums: A portion of dependent premiums shall be paid by the employee with the City subsidizing the remaining amount. Dependent premiums shall be paid through payroll deductions.
3. **Changing Dependent Coverage:**
 - a. Dependent Coverage: See **Chapter 15.4 (1) b.**
 - b. Adding Dependent Coverage: Adding dependent coverage requires thirty (30) days' advance payment of premiums.
 - c. Changes in Plan Coverage: The Human Resources Department is responsible for processing all changes in health coverage. Employees requiring changes to their health coverage should contact the Human Resources Department.
4. **Insurance Payment:** Employees off the job without pay must make arrangements to pay costs of their group insurance. The Human Resources Department should be contacted to make such arrangements.
5. **Health Benefits Upon Retirement:**
 - a. Regular full-time Employees: Regular full-time employees who are eligible to retire under the City's retirement system will be provided the basic health benefits and prescription plan upon retirement until eligible for Medicare.
 - 1) Employees who have retired prior to February 1, 2000, and have not reached the age of 65 will be provided a health benefits and prescription plan until eligible for Medicare with no premium charge to the retiree. In addition, a health benefits and prescription plan shall be available to eligible dependents of retired employees who have retired prior to February 1, 2000, with no premium charge until the retiree or dependent reaches the age of 65.
 - 2) Employees who retire on or after February 1, 2000, will be provided a health benefits and prescription plan until eligible for Medicare at a premium charge to be determined annually. Coverage shall be available to eligible dependents of retired employees who retire on or after February 1, 2000, at a premium charge to be determined annually.
 - b. Medical Plan Coverage for Retirees/Dependents eligible for Medicare: Retired employees or dependents who become eligible for Medicare benefits may retain a health benefits and prescription plan by paying the required premium. Such extended coverage shall always be secondary, with Medicare being the primary coverage.

CHAPTER 15
EMPLOYEE BENEFITS

6. Health Benefits Upon Termination - COBRA:

- a. Regular full-time and Dependent Coverage: Regular full-time employees shall have the right to retain group health insurance as provided under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).
b. Premium Payments: Eligibility for COBRA continuation coverage begins when an employee or dependent loses regular coverage because the employee resigns, retires, experiences a reduction in hours, dies, divorces, or is fired, except for employees dismissed for gross misconduct. Gross misconduct is defined as:
'Mismanagement of a position of employment by action or inaction, neglect that places in jeopardy the lives or property of others, intentional wrongdoing or malfeasance, intentional violation of a law, or violation of a policy or rule adopted to ensure orderly work and the safety of employees.'
Premiums shall be paid in full by the employee except where otherwise specified in this policy.

V. DENTAL

- 1. Eligibility and Enrollment:
a. Regular full-time: The City of Mesquite offers all regular full-time employees and their dependents the opportunity to enroll in the dental program.
b. Dependents: Regular full-time employees must be enrolled in the dental plan in order to enroll their dependents.
c. Eligibility: Benefits become available to eligible employees on the first (1st) day of the month after the employee has been employed for thirty (30) days with the City.

VI. EMPLOYEE ASSISTANCE PROGRAM

- 1. Description: The Employee Assistance Program (EAP) is designed to provide eligible employees with professional, cost-effective assistance in resolving difficult personal problems.
2. Eligibility: All employees and dependents who are covered under the City's Group Health Benefits Plan are eligible for EAP services.
3. Participation:
a. Confidential: Individual, voluntary involvement in the EAP is confidential.
b. Participation: Participation may occur through self or family referral, supervisory referral, and/or medical referral.
4. Benefits: EAP-authorized, eligible expenses may be submitted to the Group Health Benefits Plan for payment. Unauthorized treatments will be considered ineligible expenses.
5. Using the Employee Assistance Program: Employees experiencing personal and/or psychological problems may call the Employee Assistance Program twenty-four-hour hotline to arrange a confidential interview with a referral counselor.

VII. DEATH BENEFITS

- 1. Group Term Life Insurance Plan
a. Regular full-time: All regular full-time employees are enrolled in the City's Group Term Life Insurance Plan at no cost to the employee. **See Group Life Insurance Plan Description Booklet for general provisions.
b. Beneficiaries: The employee shall designate beneficiaries upon enrollment and may change beneficiaries as deemed necessary. All changes must be processed through the Human Resources Department.
2. Texas Municipal Retirement System: Beneficiaries of regular full-time employees

CHAPTER 15
EMPLOYEE BENEFITS

may be eligible for death benefits through the Texas Municipal Retirement System.

VIII.
TAX SAVER PROGRAM

1. **Description:** The Tax Saver Program was created under Section 125 of the Internal Revenue Code and, as adopted by the City of Mesquite, allows certain medical expenses and dependent care expenses to be reimbursed with funds deducted before tax withholding in order to reduce tax liability. It also allows Group Health Insurance premium payments to be deducted before tax withholding.
2. **Eligibility and Enrollment**
 - a. **Regular full-time:** All regular full-time employees are eligible to participate in the Tax Saver Program.
 - b. **Enrollment Period:** Eligible employees may enroll in the Tax Saver Program upon appointment to service with the City. Plan years are on a calendar-year basis beginning January 1 and ending December 31. Enrollment periods occur in December of each year.
 - c. **Plan Election:** Once election has been made to participate or not participate in the Plan, no change or revocation may be made in that election except in the case of a change in family status as defined by the Internal Revenue Code.
3. **Participation in Reimbursement Accounts**
 - a. **Reimbursement Procedures:** Employees with eligible, medical or dependent care expenses must complete a Tax Saver Reimbursement form and substantiating documents to verify expenses must be attached to the reimbursement form. Medical expenses which are covered by the Group Insurance must be submitted to the insurance company for consideration prior to submission of a claim against the Tax Saver Medical Reimbursement Expense Account. Claims for dependent care expenses must be accompanied by a receipt showing the dates of service, name of dependents,

and the dollar amount received. Canceled checks are not acceptable documentation for the Medical or Dependent care reimbursements.

- b. **Submission Deadline:** Completed forms and documents must be received in the Human Resources Department by the fifteenth (15th) of each month to receive reimbursement at the end of the same month. Reimbursement forms received after the fifteenth (15th) will be processed at the end of the following month.
- c. **Forfeited Balance:** A claim for benefits may be submitted for the plan year in which expenses were incurred. Reimbursements for the plan year may be submitted up to March 31st of the next plan year. On April 1st any of the previous plan year's Tax Saver dollar credits remaining in the participant's Medical reimbursement or Dependent care expense accounts will be forfeited as mandated by the Internal Revenue Code.

IX.
RETIREMENT

1. **Eligibility:** All regular full-time employees are required to enroll in the City's Retirement System upon appointment. All employees who work more than one thousand (1,000) hours per year are required to enroll in the City's Retirement System.
2. **Payment and Vesting**
 - a. **Withholdings:** As a member of this System, a portion of the employee's earnings are withheld by the City and deposited in an account in the employee's name.
 - b. **Vesting:** Retirement rights for members of the retirement system become vested after five (5) years of service. If the employee later terminates their employment with the City without withdrawing deposits, they become eligible for service retirement at age sixty (60) or at any age with twenty (20)

CHAPTER 15
EMPLOYEE BENEFITS

years of service with the City of Mesquite.

- 3. City Matching: Vested employees are eligible to receive matching funds from the City upon retirement subject to TMRS retirement regulations.
4. Retirement Application: Applications for service and occupational disability may be submitted to the Human Resources Department. Applications for retirement must be submitted to the Human Resources Department sixty (60) days prior to employee's last actual work day.

X. PAYROLL

- 1. Payroll Deductions: Regular full-time employees may have deductions withheld from their biweekly paycheck for all approved benefit programs, City association dues (minimum of 75% participation of eligible membership required), City of Mesquite Credit Union accounts, United Way, Wage Attachments such as Internal Revenue levies, child support levies, workers' compensation, and repayment of sick leave. All payroll deduction plans and programs must be approved by the Human Resources and Finance Departments.
2. Direct Deposit: Regular employees may have their biweekly paychecks directly deposited to participating banks. Direct deposit enrollments and cancellations must be processed through the Human Resources Department.

XI. LEAVE OF ABSENCE WITHOUT PAY

- 1. See Family and Medical Leave provisions Chapter 3.

XII. PERSONAL (EMERGENCY) LEAVE

- 1. Eligibility: All regular full-time employees who have satisfactorily completed six months of service are eligible for Personal Leave, not

to exceed 24 hours per calendar year, for the following reasons:

- a. Death or funeral of family member: To attend the funeral and handle the affairs of the deceased. Family member shall include family, extended family, or person who served in "loco parentis."
b. Family Medical Emergency: To attend to a family member involving an incident of serious illness, injury, surgery, hospitalization, contagious disease, emergency medical treatment, or medical treatment requiring the presence of a family member.
c. Uncontrollable Dwelling Damage: Damage caused by "acts of God", such as fire, flood, tornado, explosion, vandalism, or burglary.

- 2. Approval: The City reserves the right to cancel or not approve Personal Leave. Where possible, all leave under this section must be approved in advance according to established departmental policy.
3. Documentation: Departments may require satisfactory proof of the need and duration of absence under this section and may disallow personal leave in the absence of such proof.
4. Duration: Employees are expected to utilize judgement and discretion in determining the duration of absences.
5. Abuse of Leave: Abuse of, failure to notify, deception in requesting, or unnecessary extension of Personal Leave are grounds for disciplinary action.

XIII. MILITARY LEAVE

All regular full-time, part-time and seasonal employees shall be entitled to military leave of absence subject to the following rules and regulations:

- 1. Time Allowed: Employees who are members of the National Guard, Official Militia of Texas, or any of the reserve components of the Armed Forces of the United States, when ordered or authorized by proper authorities, shall be entitled to military leave with pay during any period when they shall be engaged

CHAPTER 15 EMPLOYEE BENEFITS

- in field training or encampment or when ordered to duty. This leave of absence with pay shall be limited to fifteen (15) normally scheduled work days during any one calendar year, and any absence in excess of this time shall be considered as military leave of absence without pay.
2. **Leave Without Pay:** Employees who are called to active duty with the Armed Forces of the United States shall be granted a military leave of absence without pay. Upon release from service with the Armed Forces, such employee shall be re-employed by the City in the same or similar capacity, provided that an application for re-employment is made within ninety (90) days following termination of service with the Armed Forces. Employees who re-enlist upon completion of their initial tour of duty will not be eligible for re-hire privileges. Separation papers will be processed only in the event the employee submits a notice of resignation.
 3. **Paid Leave:** Employees called to active duty shall receive fifteen (15) days of leave with pay. Absences in excess of fifteen (15) days shall be considered military leave without pay.
 4. **Deductions Canceled:** Employees on military leave without pay will have payroll deductions canceled. Deductions may be reinstated once the employee returns to work.
 5. **Health Coverage:** Employees who choose to drop group health coverage for dependents may be reinstated without re-application when the employee returns to work.
 6. **Life Insurance Coverage:** Employees who are called to active duty are not eligible for life insurance coverage. Employee's group life insurance coverage will be reinstated upon returning to work. **See Group Life Insurance Plan Description Booklet for general provisions.
 7. **Terminating Employment:** Military leave with pay benefits shall not be granted to employees who terminate their employment as a result of draft or enlistment.
 8. **Benefit Accrual:** Employees on active duty do not accrue sick leave or vacation benefits during their term of active service with the Armed Forces.
 9. **Payment of Benefits:** Benefits accrued prior to the initiating of military leave with or without pay shall not be reimbursed to the employee unless a formal resignation has been submitted and separation papers processed. Benefits of employees who die as a result of acts of war shall be reimbursed as to their designated beneficiary.
 10. **Benefit Reinstatement:** Benefits accrued prior to military leave shall be reinstated upon return of the employee to service with the City.
 11. **Military Orders:** Employees must submit military orders and a completed leave request form to their department head and the Human Resources Department as soon as possible.

XIV. EDUCATIONAL LEAVE

Department heads may, subject to budgetary and staffing constraints, grant regular full-time and part-time employees leave with pay and expenses to attend professional conferences, short schools, and other training activities which are considered to be in the best interest of the City. Educational leave without pay may be granted for a period not to exceed twelve (12) months upon approval of the City Manager.

XV. COURT LEAVE

1. **Pay Continued:** Regular full-time employees required by law to render jury duty shall receive their regular pay, upon providing required documentation, during the period of jury service which overlaps with normally scheduled work hours.
2. **Documentation Required:** Employees summoned to jury service must provide an Official Certificate of Attendance to their immediate supervisor who shall submit a copy to the Human Resources Department.
3. **Return to Work:** Upon release from jury duty, the employee must return to their assigned workplace.
4. **Personal Legal Business:** Employees absent for personal legal business must use accrued

**CHAPTER 15
EMPLOYEE BENEFITS**

vacation or compensatory time. Leave without pay may be used with department head approval.

5. **City Witness:** Employees directed to appear as a witness for the City will be compensated for the time which overlaps with their normally scheduled work hours.

**XVI.
APPROVED LEAVE WITHOUT PAY**

Directors, at their discretion, may grant approved leave without pay to regular full-time and part-time employees for up to five (5) calendar days. Additional days will need the City Manager's approval. Employee's paid leave must be exhausted before being considered for approved leave without pay.

CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY

I.
SCOPE

This policy applies to all applicants for employment in all City departments. All current employees are covered under this policy, including:

Employees in a safety-sensitive position, which includes, but is not limited to, duties involving the operation and/or maintenance of vehicles or equipment which could cause injury or harm to the employee or others;

Employees in a security-sensitive position, which includes, but is not limited to, duties involving the handling of money, material supply, or assets readily convertible to cash;

Employees who, in the judgment of the Department Director are involved in a fleet accident without justifiable cause or cannot be discounted as a contributing factor to an accident;

Employees who exhibit behavior to support reasonable suspicion of controlled substance or alcohol use, or who are found to possess, distribute, or sell a controlled substance or alcohol at any place where work or service of the City is done;

Fire Department and Police Department employees; and

Executive, administrative, and professional employees.

II.
PURPOSE

1. It is the policy of the City to provide a work environment which is free from the use, consumption, sale, distribution, or possession of controlled substances or alcohol in the work place. (In this policy, use of the term "drugs" also includes alcohol.) The specific purpose of the policy is to outline the methods for maintaining a work environment free from the effects of controlled substances and alcohol.
2. While at work, each City employee has a responsibility to deliver service in a safe, efficient, and conscientious manner. Therefore, the use, sale, distribution, possession or being under the influence of alcohol or any controlled substances, including

prescription medication (when use of such prescribed medication is likely to affect the employee's ability to perform assigned duties) during working hours, as outlined in the provisions of this policy, is strictly prohibited and may result in disciplinary action, up to and including termination.

3. Employees in need of assistance, in relation to controlled substance or alcohol abuse, are encouraged to explore the use of leave time and medical benefits in obtaining assistance through public and private referral agencies specializing in chemical dependency before the problem affects their job.
4. In order to meet the objectives of this policy, the City has established a drug and alcohol-free awareness program for the purpose of informing employees about the dangers of alcohol and substance abuse, the City's Controlled Substance and Alcohol Abuse Policy, the availability of substance abuse counseling, rehabilitation programs, and disciplinary actions that may be imposed on an employee for violations of the City's controlled substance and alcohol abuse policy.
5. Supervisory personnel will be provided with training necessary to identify work-related performance problems; to identify potential symptoms of substance abuse; to understand the methods of drug and alcohol testing; to document reasonable suspicion instances; and to understand and implement guidelines for disciplinary action.
6. The Director of Human Resources has the sole authority to develop and adopt procedures for drug and alcohol testing.

III.
ALCOHOL/CONTROLLED SUBSTANCE USE

1. The use, sale, or personal possession (such as on the person or in a tool box, desk, or vehicle) of controlled substances or alcohol while on duty or on City property at any time is a dischargeable offense.
2. Employees taking prescription or non-prescription drugs must report this use to the Department Director, or his designee when absent, when the use of such drugs is likely to

**CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY**

affect the worker's ability to perform assigned duties. It is the employee's responsibility to ascertain from his or her physician whether the prescription drug can or is likely to have adverse impact on the employee's performance of his or her duties. This provision is intended to protect the safety of each employee and his or her co-workers, property, and the public. Employees failing to follow this instruction may be subject to disciplinary action, up to and including termination. Any information received from an employee under this provision will be kept confidential except to the extent it may be shared with individuals who are in a "need-to-know" position, such as the immediate supervisor or as required by state or federal law.

3. Any use of controlled substances and alcohol abuse that has an adverse affect on the employee's performance or that could jeopardize the safety of others, City equipment, or the City's relations with the public will be a violation of this policy, and the employee may be subject to disciplinary action, up to and including termination.
4. No employee shall report to work with the odor of alcohol on his or her breath.

**IV.
EMPLOYEE RESPONSIBILITIES**

1. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. An employee scheduled to be on call who is called out is subject to the provisions in this policy.
2. An employee not scheduled to be on call who is called out and is under the influence of legally prescribed drugs or alcohol or who is impaired by alcohol must so advise his or her supervisor and will not be required to report to work. An employee who is called out and who reports to work but fails to notify his or her supervisor that he or she is under the influence or impaired may be subject to disciplinary action, up to and including termination.
3. All department heads and supervisors are responsible for recognizing and documenting the reasonable suspicion of controlled

substance or alcohol use by employees, which may be indicated by poor performance, and for carrying out the provisions of this policy. Failure of a department head to carry out the requirements of this policy may lead to disciplinary action, up to and including discharge.

**V.
CONDITIONS WHEREBY DRUG OR
ALCOHOL TESTING IS TO BE CONDUCTED**

1. **Conditions Applicable to all Testing**
 - a. The Human Resources Department will arrange for drug screenings with a certified laboratory. All drug testing will be conducted under the supervision of the Medical Review Officer.
 - b. A urine sample will normally be given to test for the presence of controlled substances or alcohol. However, other acceptable testing methods determined by the Director of Human Resources may be ordered.
 - c. Any person who tampers with or attempts to tamper with a urine specimen in any manner shall be disqualified from employment with the City and shall be barred from any future consideration for employment with the City, or if currently employed by the City, shall be subject to disciplinary action, up to and including discharge or indefinite suspension.
 - d. Prescription or over-the-counter drugs validated by the MRO as being prescribed for or taken by the person to be tested will not be considered if the drug affects the testing, unless the use of such drugs in the judgment of the Medical Review Officer would be potentially harmful to the safety of the person being tested, or others.
 - e. All positive urine samples will be confirmed by the use of the gas chromatography/mass spectrometry (GC/MS) method. The additional testing (GC/MS) will be at the City's expense.

CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY

- f. Any question relating to drug testing will be referred to the Human Resources Department.
2. **Pre-Employment Drug Testing**
All persons offered positions with the City shall be required to submit to a routine physical examination, including a drug and/or alcohol test.
- a. Prior to reporting to the office of the Medical Review Officer for a medical exam, all applicants shall be required to sign a written consent form authorizing a urine test for the presence of controlled substances and alcohol. A job applicant refusing to sign a requested consent form will not be considered for employment.
- b. Test results shall be sent marked "Personal and Confidential" from the Medical Review Officer to the Director of Human Resources or his designee, and shall be treated in a highly confidential manner. An applicant shall not be placed on the City payroll or otherwise allowed to report for work until negative test results have been received by the Director of Human Resources.
- c. If test results are positive, the department head shall be contacted by the Director of Human Resources or his designee and told nothing more than that the applicant did not successfully pass the physical examination. If negative test results are returned and the applicant otherwise passes the physical examination, the Human Resources Department shall notify the hiring supervisor and authorize appointment of the applicant.
- d. In the case of positive test results, disclosure of the results shall be made to the applicant by the Director of Human Resources or his designee. The applicant shall be told by the Director of Human Resources or his designee that he or she is disqualified for employment with the City for a one-year period, and to be reconsidered, must submit evidence of successful completion of a rehabilitation program.
3. **Post-Accident Testing**
Drug/alcohol testing will be required of employees following motor vehicle or motorized equipment accidents in any of the following circumstances:
- a. A bodily injury which requires medical treatment;
- b. A City vehicle or other City property is involved;
- c. A third party (non-employee) is involved;
- d. Any damage to City vehicle or equipment occurs;
- e. When an employee who, in the judgment of the Department Director, is involved in a Fleet accident without justifiable cause or cannot be discounted as a contributing factor to an accident; and
- f. When an employee who, in the judgment of the Department Director, could have prevented the accident by being more alert.
- g. Employees who drive City vehicles or equipment on or off duty will be subjected to testing for motor vehicle accidents as described above.
4. **Procedures for Post-Vehicle or Motorized Equipment Accident Testing**
- a. The employee(s) involved in the accident and the employee(s) from the department, whose employee and vehicle are involved in the accident, first arriving at the accident site are required to inform the Department Director of the accident immediately, but not longer than two (2) hours following the accident. If the Department Director or his designee is not available in that period of time, the employee(s) shall notify the Risk Manager of the accident. If the Department Director and the Risk Manager are unavailable, the Director of Human Resources or his designee shall be notified. In the event none of the above individuals are available, an

CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY

- Assistant City Manager shall be notified of the accident.
- b. The employee(s) involved in the accident or who cannot be discounted as a contributing factor to the accident shall be prohibited from working or continuing to work until reporting to the office of the Medical Review Officer or, if the accident occurs where the MRO office is closed, to the City-approved testing facility.
 - c. The urine/blood sample for drug or alcohol testing shall be collected as soon as possible, but no later than four (4) hours after the accident.
 - d. The supervisor or a designated person not involved in the accident shall take the employee off the worksite and drive him or her to the Medical Review Officer or, if the accident occurs after working hours, a City-approved laboratory for the drug test. Under no circumstances will the employee be allowed to drive to the MRO's office or testing facility. (If an employee is seriously injured or unconscious, he or she will be taken to a hospital for treatment. The first consideration will be the health and welfare of the employee. In such case, a urine test will be given at the hospital laboratory, if possible).
 - e. After a finding of reasonable suspicion, the supervisor or a designated person shall stay with the employee being tested and will drive him or her home or make arrangements to have the employee transported if the employee is released by the treating physician.
 - f. If the employee, in the judgment of the Medical Review Officer, exhibits physical and/or emotional impairments such that his or her safety or the safety of others could be in jeopardy if the employee returned to work, or if a supervisor, who has received drug awareness training, and the Department Director have confirmed there is reasonable suspicion that the employee was using controlled substances or alcohol at the time of the accident, the employee shall not be allowed to return to work. In that situation, after being tested, the employee will be driven home by the supervisor or a designated person. The employee shall not be allowed to drive home.
 - g. Refusal to submit to a post-accident drug or alcohol test will be grounds for termination.
 - h. After a finding of reasonable suspicion, an employee tested for controlled substances or alcohol under the post-accident testing provision may be placed on leave with pay until the results of the test are received.
 - i. An investigation surrounding the circumstances of the accident leading to a drug or alcohol test will automatically be conducted by the Director of Human Resources or his designee.
5. **Random Drug Testing**
- a. All current employees may be selected for testing on an unannounced, random basis using a scientifically valid, random number generation method.
 - b. The Director of Human Resources or his designee shall be the only individual to produce a list of names for random drug testing. This shall be done by means of a scientifically valid, random number generation method at time periods to be determined by the Director of Human Resources of his designee. Employees will be selected by lottery to ensure that each employee has an equal chance at being selected.
 - c. The names produced from each random selection shall be forwarded to the employee's Department Director marked "Personal and Confidential." The employee's name will be re-entered into the random data file following selection.
 - d. Upon receiving the names of employees in his or her department who are to be tested for controlled substances and alcohol, the Department Director shall ensure that the employees report to the lab as soon as possible, but not later

**CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY**

- than 8 hours after the employees are notified to appear, unless extenuating circumstances exist. If such circumstances exist beyond the employee's control, where it is not possible for him or her to appear for testing within the time allowed, the Department Director shall immediately advise the Director of Human Resources or his designee of the circumstances and the employee's inability to appear.
- e. If the name of an employee who is not on duty or who is unable to report for testing is forwarded to the Department Director, the Director shall retain the name in a confidential manner and ensure the employee is notified immediately upon his or her return to duty and that the employee reports to the lab as soon as possible, but not later than eight hours after return to duty.
6. **Reasonable Suspicion Drug Testing**
All employees suspected of controlled-substance use or alcohol abuse will be required to provide a urine sample or a blood sample for testing.
- a. A written record of specific, observable facts will be required before a drug or alcohol test can be ordered based on reasonable suspicion.
 - b. Only supervisors who have received supervisory, drug-awareness training may refer for testing an employee who has been observed in conduct or behavior which would create reasonable suspicion of controlled-substances use or alcohol abuse. The supervisor will document the exact reasons why he or she suspects that a certain employee has violated the controlled substances and alcohol abuse policy, including the symptoms exhibited by the employee, the actions of the employee, statements from other employees or third parties, and other evidence which tends to establish a reasonable suspicion of controlled substances or alcohol abuse.
 - c. When it has been determined that reasonable suspicion exists and the employee should be tested, that decision must be approved by either the Director of Human Resources, his designee, or the Risk Manager. In the event that these individuals are inaccessible within a reasonable period of time, the department head is authorized to require the employee to submit urine and/or blood samples to the testing facility.
- d. The supervisor or a designated person will drive the employee to the testing facility (i.e., either the office of the Medical Review Officer or when the MRO's office is closed, a City-approved laboratory). Under no circumstances will the employee be allowed to drive.
 - e. The supervisor or a designated person shall stay with the employee being tested and shall drive him or her back to work. If the Medical Review Officer, after observation and examination of the employee, determines the supervisor's suspicion is well founded, the supervisor or a designated person shall arrange for the employee to be driven home.
 - f. An employee tested for controlled substances or alcohol under the reasonable suspicion standard will be placed on leave of absence with pay until the results of the test are received.
 - g. All responsible supervisors will prepare statements to be filed with the Director of Human Resources describing the circumstances and conditions used as a basis for the required testing.

**VI.
DOT-REQUIRED TESTING**

- 1. The policies and procedures adopted by the City are intended to assist with the administration of the Omnibus Transportation Employee Testing Act of 1991. Likewise, this policy is designed to comply with 49 CFR Part 382 and 49 CFR Part 40. However, the City reserves the right to go above and beyond the Department of Transportation's drug and alcohol testing regulations.

CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY

2. The policies and procedures cover safety-sensitive employees in transportation who drive commercial motor vehicles requiring a commercial drivers license to operate. Public safety personnel, including all Fire personnel, are excluded from the Department of Transportation's drug and alcohol testing regulations.
3. **Alcohol Prohibitions:** The rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:
 - a. Use while performing safety-sensitive functions;
 - b. Use during the four (4) hours before performing safety-sensitive functions;
 - c. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater;
 - d. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken;
 - e. Use during eight (8) hours following an accident, or until he/she undergoes a post-accident test;
 - f. Refusing to take a required test.
4. **Drug Prohibitions:** The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:
 - a. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the Commercial Motor Vehicle;
 - b. Testing positive for drugs;
 - c. Refusing to take a required test.
5. **Disciplinary Action:** The consequences for engaging in prohibited conduct are as follows:
 - a. Any employee whose breath alcohol test results in a Breath Alcohol Content of 0.02 or greater subjects the employee to disciplinary action up to and including termination for the first offense;
 - b. Any employee who tests positive for a controlled substance is subject to disciplinary action up to and including termination for the first offense;
 - c. Any employee who refuses to take either a drug or alcohol test will be subject to disciplinary action up to and including termination.
6. **Pre-Employment/Pre-Duty Testing:**
 - a. Before a covered employee performs any safety-sensitive function, he/she must submit to testing for alcohol and drugs. An alcohol test result must indicate an alcohol concentration less than 0.02. For drug testing, the City must have received a result from the Medical Review Officer indicating a verified, negative test result.
 - b. Employees who seek transfers or promotions into other positions will not be required to submit to drug and alcohol testing unless they are transferring or promoting to a position where duties include operating a commercial motor vehicle.
 - c. An applicant will be requested to sign a consent form authorizing the testing and the use of the test results in employment decisions.
 - d. A job applicant refusing to take a drug test and/or sign a consent form will not be considered for employment.
7. **Post-Accident:** Drug/Alcohol testing will be required of employees following motor vehicle or motorized equipment accidents in the following circumstances:
 - a. When any vehicle involved in the accident must be towed away from the scene of the accident;
 - b. A fatality occurs;
 - c. The City driver receives a citation under State or local law for a moving traffic violation arising from the accident.
8. The final decision whether to administer a drug or alcohol test will be made by the Director of Human Resources or his designee. In the event that the Director of Human Resources or his designee is unavailable, the Division Head is authorized to require the employee to submit to a drug and/or alcohol

CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY

- test. That person's decision will be based on the best information available at the time.
9. **Time Frame for Alcohol and Drug Testing:**
 - a. Alcohol Testing: If a post-accident alcohol test is required, the employee involved in an accident will be tested as soon as possible but not later than eight (8) hours after the accident.
 - b. Drug Testing:
 - 1) If a post-accident drug test is required, the urine sample for such a test will be collected as soon as possible but not later than thirty-two (32) hours after the accident.
 - 2) A driver who is subject to post-accident testing must remain available for testing, or the City will consider the driver to have refused to submit to testing and may be subject to disciplinary action up to termination.
 10. **Random Testing:**
 - a. An employee will be selected for testing on a random basis by using a scientifically valid, random number generation method.
 - b. Both drug and alcohol tests will be unannounced and will be spread reasonably throughout the year. Prior to such testing, employees will be required to sign a form consenting to testing.
 - c. The Director of Human Resources or his designee will be the only individual to produce a list of names for random drug and alcohol testing. Employees will be selected by lottery to ensure that each employee has an equal chance at being selected. The names produced from each random selection will be forwarded to the employee's Department Director marked "Personal and Confidential." The Director of Human Resources or his designee will provide the Medical Review Officer with a list of names of employees to be tested. The employee's name will be re-entered into the random data file following selection.
 - d. Upon receiving the names of employees in his/her department who are to be tested for drugs and alcohol, the Department Director will ensure that the employees report to the lab as soon as possible but not later than eight (8) hours after the employee is notified to appear, unless extenuating circumstances exist. If such circumstances exist beyond the employee's control, where it is not possible for him/her to appear for testing within the time allowed, the Department Director will immediately advise the Director of Human Resources or his designee of the circumstances and the employee's inability to appear.
 - e. If the name of an employee who is not on duty or who is unable to report for testing is forwarded to the Department Director, the Director will retain the name in a confidential manner and ensure the employee is notified immediately upon his/her return to duty and that the employee reports to the lab as soon as possible, but not later than eight (8) hours after return to duty.
 11. **Reasonable Suspicion:**
 - a. Based upon reasonable suspicion, employees will be required to submit to testing for drug or alcohol use. Prior to such testing, employees will be required to sign a form consenting to testing. Failure or refusal to sign the consent form or to submit to testing will be considered prohibitive behavior. Refusal to submit to testing may result in disciplinary action, up to and including termination.
 - b. A supervisor who has reasonable cause to believe that an employee has ingested, inhaled, or injected a drug or has ingested an alcoholic beverage when reporting for or while on duty must:
 - 1) Prohibit the employee from working or continuing to work.
 - 2) Notify a Department Director or Division Head and request a

**CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY**

- personal observation review and complete an "Observed Behavior Reasonable Cause Record" detailing specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.
- 3) When it has been determined that reasonable suspicion exists and the employee should be tested, that decision must be approved by either the Director of Human Resources or his designee. In the event that these individuals are unavailable, the Department Head is authorized to require the employee to submit to a drug and alcohol test.
 - 4) The supervisor or a designated person will drive the employee to the designated facility identified by the City of Mesquite for drug testing (i.e., either the office of the Medical Review Officer or if the incident occurs after working hours, a City-approved collection site). Under no circumstances will the employee be allowed to drive.
 - 5) The supervisor or a designated person will stay with the employee being tested and will drive him/her back to work. If the Medical Review Officer, after observation and examination of the employee, determines the supervisor's suspicion is well founded, the supervisor or a designated person will arrange for the employee to be driven home.
 - 6) An employee tested for drugs or alcohol under the reasonable suspicion standard will be placed on leave of absence with pay until the results of the test are received.
 - 7) All responsible supervisors will prepare statements to be filed with the Director of Human Resources describing the circumstances and conditions used as a basis for the required testing.
- c. Alcohol - Testing is authorized **only** if the observations are made during, just before, or just after the employee performs safety-sensitive functions.
 - d. Drug - Documentation of the driver's conduct must be prepared and signed by the witness within **twenty-four (24)** hours of the observed behavior or before the results of the drug tests are released, whichever is earlier.
12. **Return-to-Duty:**
- a. Alcohol: The City will ensure that before a driver returns to duty requiring performance of a safety-sensitive function after engaging in prohibited conduct concerning alcohol, the employee must take a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
 - b. Drug: The City will ensure that before a driver returns to duty requiring performance of a safety-sensitive function after engaging in prohibited conduct concerning drugs, the employee must take a return-to-duty drug test with a result indicating a verified, negative result for drug. Prior to such testing, employees will be required to sign a form consenting to testing.
13. **Follow-Up:**
- a. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of drugs, the City will ensure that the employee is subject to unannounced, follow-up alcohol and/or drug testing as directed by a Substance Abuse Professional.
 - b. The City may direct the driver to undergo return-to-duty and follow-up testing for both alcohol and drugs, if the Substance Abuse Professional determines that return-to-duty and follow-up testing for both alcohol and

**CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY**

- drugs is necessary for that particular driver.
14. **Disclosure of Information:**
- a. Test results and other written materials concerning a particular drug and/or alcohol test will not be kept in the employee's official personnel file or the individual's departmental file.
 - b. The Medical Review Officer may disclose information to the City, a Department of Transportation agency or other Federal safety agency, or physician responsible for determining the medical qualification of the employee under an applicable Department of Transportation agency regulation.
 - c. Human Resources staff who are authorized to have access to drug test results will maintain complete confidentiality. Breach of confidentiality relating to drug test results or any other personnel-related matter will subject the employee to disciplinary action, up to and including termination.
15. **Release of Test Information by Previous Employers:**
- a. The City must attempt to obtain, pursuant to a driver's written consent, information on the driver's alcohol tests with a concentration result of 0.04 or greater, positive drug test results, and refusals to be tested within the preceding two years, which are maintained by the driver's previous employers.
 - b. The City may not permit a driver to perform safety-sensitive functions without obtaining the information.
 - c. The City will provide to each of the driver's employers within the two preceding years the driver's specific, written authorization for release of information.
 - d. The release of any drug and alcohol testing information may take the form of personal interviews, telephone interviews, letters, or any other method
- e. of obtaining information that ensures confidentiality.
- e. The City may not use a driver to perform safety-sensitive functions if the employer obtains information on the driver's test with a concentration of 0.04 or greater, verified, positive drug test result, or refusal to be tested by the driver without obtaining written information from a subsequent Substance Abuse Professional evaluation.
16. An applicant who refuses to sign an information release form will not be considered for employment.
17. **Employee Education and Training:**
- a. The City will provide educational materials that explain the requirements of this policy with respect to meeting its requirements.
 - b. The City will provide a copy of this policy prior to each driver subsequently hired or transferred into a position requiring a commercial drivers license.
 - c. Each driver will be required to sign a statement certifying receipt of the above materials.
18. **Supervisory Training:** The City will provide training to all supervisors with the authority to determine whether reasonable suspicion exists requiring a driver to undergo testing. The supervisors will receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on drug use. The training will cover the physical behavior, speech, and performance indicators of probable alcohol misuse and use of drugs.

**VII.
TESTING PROCEDURES**

The Director of Human Resources or his designee is authorized to develop, administer, and modify testing procedures as required.

**CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY**

**VIII.
ACKNOWLEDGEMENT OF POLICY AND
FAILURE TO COMPLY**

All persons taking a drug or alcohol test will be required to sign an acknowledgement form which indicates that he or she has received a copy of the controlled substance and alcohol abuse policy. Failure or refusal to provide a required sample shall be grounds for disciplinary action, up to and including discharge or indefinite suspension.

**IX.
CITY-APPROVED LABORATORY**

1. The City will select a laboratory certified by the United States Department of Health and Human Services which follows chain of custody procedures in conducting and preserving the tests required under this policy.
2. The laboratory will report each test result to the Medical Review Officer who will notify the Director of Human Resources or his designee of the results.
3. An employee who does not pass the drug or alcohol test may request that the original urine or blood sample be analyzed again. An employee requesting a retest must submit a written request within two days of the employee's notification of the test result.
4. An employee making a request for a retest will be required to pay the cost of the additional analysis and all costs associated with the transfer of the specimen to another certified, qualified laboratory, including shipping and handling. If the request results in the employee passing the drug or alcohol test, the City will reimburse the employee for laboratory expenses.

**X.
CONFIDENTIALITY OF INFORMATION**

The following procedures will be used to assure that records relating to the drug and alcohol testing process are kept confidential.

1. Test results and other written materials concerning a particular drug test will not be

kept in the employee's official personnel file or the individual's departmental file.

2. No test results may be released except to the employee's department head and supervisor, any other individuals involved in a disciplinary action, in an appeal process, and to state or federal agencies, as necessary or required.
3. Human Resources staff who are authorized to have access to drug test results will maintain complete confidentiality. Breach of confidentiality relating to drug test results or any other personnel-related matter will subject the employee to disciplinary action, up to and including termination.

**XI.
CONSEQUENCES OF A POSITIVE TEST**

Except for employees covered under Chapter 143 of the Local Government Code, all other employees who test positive for drugs or alcohol may be permitted an opportunity to enter a rehabilitation program at the sole discretion of the City. Employees covered by §143 shall be dealt with by the appropriate Department Director, as required by Chapter 143, Local Civil Service Rules and applicable General Government Policies and Procedures.

**XII.
ASSISTANCE TO EMPLOYEES**

1. When it is determined that a non-probationary employee has engaged in controlled-substance use or is abusing alcohol or prescribed drugs and the City decides to continue the employment of the employee, the City may require the employee to participate in a rehabilitation program, including the City's EAP, as a condition of continued employment.
2. Treatment for chemical dependency, both in-patient and out-patient, is covered under the City's medical plan. Employees may contact the Human Resources Department for information.
3. Any employee who has completed a rehabilitation program must remain alcohol and drug free. Any relapse by an employee will be a violation of this policy and the

**CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY**

- employee may be subject to disciplinary action, up to and including discharge or indefinite suspension.
4. An employee's decision to seek assistance by entering a rehabilitation program before work performance or behavior difficulties occur will be kept confidential. Once work performance or behavior difficulties affecting the job or the City do occur, however, the subsequent voluntary entrance into a rehabilitation will not necessarily prevent disciplinary action, up to and including discharge or indefinite suspension. Any employee who tests positive and who refuses to enter a rehabilitation program, who fails to complete the rehabilitation program, or who refuses to cease using or abusing controlled substances or alcohol will be discharged or indefinitely suspended.
 5. Employees who seek controlled-substance or alcohol-abuse assistance and rehabilitation and cannot report for work while undergoing such rehabilitation may request sick leave, vacation leave in the amount accrued, or leave without pay. All sick and vacation leave shall be exhausted prior to granting the use of approved leave without pay, including leave under the Family and Medical Leave Act. Requests for and approval of leave without pay are governed by the City's Human Resources Policies and Procedures, Section 10.11, Leave of Absence Without Pay. Firefighters and police officers shall be granted leave as allowed under Chapter 143 and the FMLA.
 6. Employees who are involved in rehabilitation and are able to report for work may do so under the following conditions:
 - a. An employee may resume regular duties only after the employee tests negative for a drug test administered by the Medical Review Officer or a City-approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a recognized, substance-abuse assistance program.

- b. Prior to being allowed to return to work, the employee shall be required to meet with a Human Resources Department representative to receive an explanation of the terms of continued employment.
- c. An employee may, at the City's request, be required at any time to submit to interviews and physical examinations by the Medical Review Officer and/or evaluation by the professional staff at an appropriate, chemical-dependency treatment facility.
- d. An employee will be required to submit to unannounced drug and alcohol testing up to sixty (60) months after resuming duties.

**XIII.
SPECIAL PROVISIONS**

Any Police personnel or Fire investigator who is required to be in possession of alcohol and/or drugs in the course and scope of their employment will be exempt from the provisions of this policy pertaining to possession of alcohol and/or drugs. Specific guidelines will be established by Police and Fire internal operating procedures.

**XIV.
EMPLOYEE DRUG CONVICTIONS**

Any employee convicted of a violation of a criminal drug statute for conduct occurring while on duty or on City property must notify the City of such conviction within five (5) days of the conviction occurring. If an employee fails to report such conviction, the employee will be subject to disciplinary action, up to and including discharge or indefinite suspension for the first offense.

**XV.
EMPLOYEE SEARCH POLICY**

The City reserves the right to search for illegal drugs and alcohol any employee, City vehicles and equipment, the employee's personal effects, and the employee's other property located on City premises or worksites, including but not limited to private

CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY

vehicles located on City premises or worksites, City or personal lockers, desks, file cabinets, lunch boxes, purses, or other containers brought on City premises or worksites.

XVI.
RESERVATION OF RIGHTS

The City reserves the right to interpret, change, rescind, or depart from this policy in whole or in part without notice. Nothing contained in this policy shall be construed as creating or constituting a contract with any employee, whether expressed or implied.

XVII.
DEFINITIONS

1. "Alcohol" means alcohol or any beverage, containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.
2. "Alcohol abuse" means use of alcohol in any quantity during working time or reporting for work under the influence of alcohol.
3. "Alcohol testing" means testing for alcohol contents by a breathalyzer instrument device, urinalysis, or a blood sample analysis.
4. "City property" means all City buildings and adjacent land, parking lots, all other City-owned land, and City vehicles.
5. "Department Director" shall also include any person designated by the Department Director to take any action necessary under this policy in the absence of the Director.
6. "Controlled substance" includes, but is not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, phencyclidine, amphetamines, inhalants, barbiturates, and hallucinates.
7. "Drug testing" means the collection of a urine sample by medical personnel and a laboratory analysis of that sample or testing by other accepted methods.
8. "Employee" means an individual as defined by the City's General Government Policies and Procedures and applicable portions of Section 143 of the Local Government Code.
9. "Medical Review Officer" is the City's designated physician.
10. "Motorized Equipment" means equipment powered by a motor, including tools.
11. "Proper medical authorization" means a prescription, or other written approval from a physician, for the use of a drug in the course of medical treatment.
12. "Reasonable suspicion" means a conclusion based on a personal observation of a specific objective instance, or instances, of employee conduct on or off duty, which shall be confirmed in a sworn (notarized) statement. On-duty observation must be corroborated and documented in writing that an employee is unable to satisfactorily perform his/her job duties due to the use of controlled substances or alcohol. Such inability to perform may include, but is not limited to, a drop in the employee's performance level or an indication of impaired judgment, reasoning, level of attention or behavioral change, or decreased ability of the senses.
13. "Safety-sensitive position" means jobs where employee's use of drugs or alcohol could render the employee unfit to perform assigned duties and could create a safety hazard to the employee, other employees, citizens, or damage to property.
14. "Substance abuse" is exemplified by, but not limited to, the following:
 - a. Ingestion, inhalation, or injection of a controlled substance during work hours, in a City vehicle, or on city property.
 - b. Ingestion of alcohol in a City vehicle or on City property.
 - c. Ingestion, inhalation, or injection of a controlled substance or alcohol during non-working hours which causes an employee to be unable to work in a safety-sensitive manner during working hours.
 - d. Use of prescription or over-the-counter medication in a manner in which it was not intended.
15. "Tampering" with a urine specimen includes, but is not limited to, diluting the specimen with water, adding any other substance to the specimen, or substituting urine. Possession of a urine sample when an employee or applicant

**CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY**

reports to the laboratory shall constitute tampering.

16. "Testing" includes testing by urinalysis, hair testing, intoxilyzer or blood testing, or any other recognized testing method.
17. "Under the influence" or "impaired" is defined as abnormal behavior during working hours which results from indulging, in a degree, in alcohol or in any controlled substance or other drug, including prescription or over-the-counter medication which, to any degree, may limit an employee's ability to safely and efficiently perform his or her duties or poses a threat to the safety of the employee, other employees, citizens, or property.

CHAPTER 17
PERFORMANCE APPRAISAL

I.
PURPOSE

The purpose of evaluating an employee's performance is to identify whether the employee is meeting supervisory expectations and to provide a time for structured feedback to the employee. Performance appraisal is a continuous communication process between the employee and supervisor. Formal periods involving written appraisal forms allow the employee and supervisor to fully review all aspects of the employee's performance and establish expectations for future review periods.

II.
EVALUATION FORMS AND PROCEDURES

The Human Resources Director shall be responsible for development of forms and procedures and the administration of the City's performance appraisal program.

III.
RATING FREQUENCY

1. **Probationary Period:** The following outlines the routine frequency of occurrence for performing appraisals. Nothing in this section shall prohibit the City from taking disciplinary action, including termination, against an unsatisfactorily-performing employee at any time while in probationary status.
2. **Mid-Probationary Evaluation:** Probationary employees shall be evaluated at approximately three (3) calendar months of performance. The intent of the mid-probationary evaluation is to furnish the probationary employee at least one (1) formal assessment of performance prior to the final evaluation which normally occurs immediately prior to completion of the six (6) calendar months of performance.
3. **Prior to Completion:** Probationary employees shall be evaluated at approximately five and one-half (5-1/2) months. The results of this evaluation contribute to the department's decision to retain or release the probationary employee.

4. **Promotional Probation:** Promotional probationary employees will be evaluated as set forth in Chapter 17.3 (1, 2 AND 3).

IV.
ANNUAL PERFORMANCE APPRAISALS

All regular full-time and part-time classified employees shall have their performance appraised not less than annually by their immediate supervisor prior to completion of their anniversary date.

1. **Submission of Appraisal Form:** Supervisors shall submit an appraisal form to the Human Resources Department prior to completion of employee's anniversary date. This review is required even if the employee is not eligible for a salary (merit) increase.
2. **Merit Increases:** All merit increases require that a completed performance appraisal form be submitted to the Human Resources Department prior to the effective date of the increase. Merit increases received without the required performance appraisal form will not be processed. Only employees whose overall evaluation is rated "Meets Standards" or above are eligible to receive a merit increase. Annual merit increases are based on employees' performances for the previous twelve-month (12) period.

V.
EVALUATION FORMS

Upon request, departments will furnish employees a copy of their performance appraisal form.

VI.
EVALUATION TRAINING

The Human Resources Department is responsible for ensuring that supervisors performing evaluations receive instruction in the proper evaluation, completion, and processing of performance appraisals.

**CHAPTER 17
PERFORMANCE APPRAISAL**

**VII.
APPEAL OF PERFORMANCE EVALUATION**

Employees who believe that their evaluation is not representative of their performance may discuss their concerns with the supervisor conducting their evaluation. If a satisfactory resolution is not reached through the department's normal supervisory chain of command, the employee may appeal the evaluation to the Departmental Director or organizational equivalent. The decision of the Departmental Director shall be final. In cases where the Departmental Director is the evaluator, the appeal would be heard by the appropriate Assistant City Manager.

CHAPTER 18 HARASSMENT

I. POLICY

It is the policy of the City of Mesquite, in accordance with Title VII of the Civil Rights Act of 1964, that all employees are entitled to a work environment that is free from sexual intimidation, unwelcome sexual advances and other forms of harassment. The City of Mesquite strictly prohibits any form of harassment based on sex, age, disability, color, national origin, race/ethnicity, religion or other protected classes. Any employee who engages in or condones any conduct or actions that constitute harassment is subject to discipline, up to and including termination.

II. DEFINITION

For purposes of this policy...

1. **Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made a term or condition of employment
 - b. Submission to or rejection of such conduct is used as a basis for employment decisions
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance creating an intimidating, hostile, or offensive working environment. This may include displaying sexually-suggestive visuals, calendars, graffiti or objects and/or offensive language, jokes, gestures or comments.Offensive or harassing behavior will not be tolerated against any employee. This policy covers vendors, customers or others who enter our workplace. Supervisory or managerial personnel are responsible for taking reasonable action to end such behavior in their workplace.
2. **Other Forms of Harassment** - All slurs, jokes and/or other verbal, non-verbal or physical conduct relating to an individual's race, color, national origin, disability, age or religious beliefs constitute harassment when this conduct:

- a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment or
- b. Has the purpose or effect of interfering with an employee's work performance or
- c. Adversely affects an employee's employment opportunities.

III. MANAGEMENT RESPONSIBILITY

It is the responsibility of each supervisor and manager to create and maintain an atmosphere free of any harassment by example and ensuring awareness of the City's position on this matter. Any supervisor or manager who is aware of or suspects the existence of any form of harassment occurring within the work place shall take appropriate action, as specified in this section.

IV. EMPLOYEE RESPONSIBILITY

All City of Mesquite employees are responsible for helping to prevent harassment of any kind. Management will investigate complaints or allegations of harassment or improper verbal or physical conduct to determine if the conduct is interfering with the employee's work performance or is creating an intimidating, hostile or offensive work environment. Employees may raise concerns and make reports of harassment in good faith without fear of reprisal. An employee who feels that he or she has witnessed any type of harassment or has been subjected to any type of harassment must use the complaint procedures set out in Section 18.5 below. All employees must cooperate with an investigation into a complaint of any harassment.

V. REPORTING HARASSMENT

An employee should normally report any harassment complaint to their supervisor. If the employee's supervisor is unavailable or if the employee believes that it would be inappropriate to contact that person, the complaint should be reported to another supervisor in the employee's department or to a

**CHAPTER 18
HARASSMENT**

supervisor in the Human Resources Department. In any event, the supervisor to whom the harassment complaint is reported will notify the Human Resources Director of the complaint.

When a complaint of harassment is reported, the employee will be asked by the Human Resources Director, or other investigating Director or Supervisor, to provide a signed and dated, sworn statement that details as specifically as possible the alleged harassment. If possible, the written statement should include the dates of the alleged harassment, the number of times it occurred, an explanation of what happened, whether the alleged harasser was told that the conduct was unwelcome, and what harm resulted from the alleged harassment.

**VI.
CONFIDENTIALITY**

The City of Mesquite will release information only on a need-to-know basis, maintaining confidentiality to the fullest extent possible throughout the investigation. Failure of an employee to comply with the confidentiality requirement of an investigation will subject the employee to disciplinary action.

**VII.
ADMINISTRATIVE INVESTIGATION**

The Human Resources Director will normally investigate harassment complaints. If it is inappropriate for the Human Resources Director to investigate any harassment complaint, the City Manager will assign another Director or Supervisor to conduct the investigation. Every effort will be made to begin investigating complaints immediately. The investigation will include, but is not limited to, interviewing the complaining party, the alleged harasser, and any other employees required to obtain sufficient, factual information upon which determination can be made. Written statements will be sworn to, and interviews may be recorded. All employees must cooperate with the investigation. Failure to do so may result in disciplinary action, up to and including termination. Upon completion of the investigation, the Human Resources Director or appointed Director or Supervisor shall present a report of findings to the City Manager.

**VIII.
DISCIPLINARY ACTION**

If the investigation concludes that harassment has occurred, the report to the City Manager will include a recommendation for remedial and disciplinary action. The City Manager and the department(s) involved will take prompt remedial measures to immediately end the offending misconduct. An employee who is found to have engaged in harassment will be subject to disciplinary action, up to and including termination. The City Manager will determine the severity of the discipline, which will be determined in accordance with the provisions of Chapter 8 of this Policies and Procedures Manual and on a case-by-case basis, taking into consideration the severity and nature of the offense, the context in which it occurred, and the past record of the employee found to have engaged in harassment. The decision of the City Manager will be final subject to appeal to the Trial Board where the action results in suspension, involuntary demotion, or disciplinary termination. The complaining party will be advised of the final disposition of the complaint.

City of Mesquite General Government Policies and Procedures Manual

Issued: April 2003

Page I

INDEX

<u>TOPIC</u>	<u>SECTION</u>	<u>PAGE</u>
ACCEPTANCE OF APPLICATIONS	4.8	14
ACKNOWLEDGEMENT OF POLICY AND FAILURE TO COMPLY	16.8	69
ADMINISTRATIVE INQUIRY	8.6	27
ALCOHOL/CONTROLLED SUBSTANCE USE	16.3	60
ANNUAL PERFORMANCE APPRAISALS	17.4	73
APPEAL FROM DISCIPLINARY ACTION	8.7	27
APPEAL OF PERFORMANCE EVALUATION	17.7	74
APPLICANT AND EMPLOYEE MOTOR VEHICLE/EQUIPMENT OPERATOR STANDARDS	13.11	47
APPLICANT PROCESSING	4.11	14
APPLICANT TESTING	4.10	14
APPLICATIONS AND SUPPLEMENTS	5.2	16
APPROVED LEAVE WITHOUT PAY	15.16	59
ASSISTANCE TO EMPLOYEES (ALCOHOL/SUBSTANCE ABUSE)	16.12	69
AUTHORIZATION OF OVERTIME	10.4	32
BACKGROUND INVESTIGATIONS	5.2	16
BENEFITS – EMPLOYEES	15.1	50
BENEFITS – RETIREMENT	15.9	56
CLASSIFICATION PLAN	9.1	29
CLASSIFICATION OF POSITIONS	9.1	29
CLASSIFICATION TITLES AND CODES	9.1	29
CLASSIFICATION PLAN ADMINISTRATION	9.2	29
CLASSIFICATION OF NEWLY CREATED POSITIONS	9.2	30
RECLASSIFICATION OF EXISTING POSITIONS	9.2	29
CLASSIFIED APPOINTMENT	1.8	1
CONDUCT, STANDARDS OF	8.1	2
COMPENSATION DEFINITIONS	10.1	31
COMPENSATORY TIME	10.7	35
COMPLAINTS, APPEAL TO THE CITY MANAGER	12.6	42
ACTIONS EXCLUDED FROM THE COMPLAINT PROCEDURE	12.7	42
COMPLAINTS, CHAIN OF COMMAND	12.3	42
COMPLAINTS, DEFINED	12.1	42
COMPLAINTS OR APPEALS, PROCESSING OF	10.6	35
COMPLAINTS, TIME LIMITATIONS	12.5	42
DEPARTMENTAL COMPLAINT PROCEDURE	12.2	42
REPRISAL PROHIBITED	12.8	42
TIME LIMITATIONS	12.5	42
CONFIDENTIALITY (HARASSMENT)	18.6	76
CONFIDENTIALITY OF INFORMATION (DRUG TESTING)	16.10	69
COURT LEAVE	15.15	58
CRIMINAL HISTORY	4.5	11

City of Mesquite General Government Policies and Procedures Manual

Issued: April 2003

Page II

INDEX

DEATH BENEFITS	15.7	55
DEMOTION	7.3	20
DENTAL	15.5	55
DISCIPLINARY ACTION (CODE OF CONDUCT)	8.4	26
GROUNDS FOR DISCIPLINARY ACTION/TERMINATION	8.2	22
GROUNDS FOR NON-DISCIPLINARY TERMINATION	8.3	25
DISCIPLINARY ACTION (SEXUAL HARASSMENT)	18.8	76
DISCRETIONARY TIME	10.8	35
DISHONESTY	8.2	23
DISTRIBUTION OF PAYROLL CHECKS	10.11	40
DOT-REQUIRED TESTING	16.6	64
DRIVING RECORD	4.5	12
DRUG TESTING	5.2	16
DRUG TESTING (VEHICLE ACCIDENTS)	16.5	62
DRUG/ALCOHOL ABUSE AND TESTING POLICY	16.1	60
ACKNOWLEDGEMENT OF POLICY AND FAILURE TO COMPLY	16.8	69
ASSISTANCE TO EMPLOYEES	16.12	69
CITY-APPROVED LABORATORY	16.9	69
CONDITIONS FOR DRUG OR ALCOHOL TESTING	16.5	61
CONFIDENTIALITY OF INFORMATION	16.10	69
CONSEQUENCES OF A POSITIVE TEST	16.11	69
DEFINITIONS	16.17	71
EMPLOYEE DRUG CONVICTIONS	16.14	70
EMPLOYEE SEARCH POLICY	16.15	70
RANDOM DRUG TESTING	16.5	63
RESERVATION OF RIGHTS	16.16	71
SPECIAL PROVISIONS	16.13	70
TESTING PROCEDURES	16.7	68
DUAL EMPLOYMENT	4.6	13
EDUCATIONAL LEAVE	15.14	58
ELECTRONIC MAIL AND INTERNET	3.4	9
ELECTRONIC SURVEILLANCE, EAVES-DROPPING, AND UNAUTHORIZED TAPE RECORDING	3.3	8
EMERGENCY OPERATIONS POLICY	3.5	10
EMPLOYEE APPEAL TO DEPARTMENT HEAD	13.9	47
EMPLOYEE ASSISTANCE PROGRAM	15.6	55
EMPLOYEE DRIVING STANDARDS AND AUDITS	13.11	48
EMPLOYEE DRUG CONVICTIONS	16.14	70
EMPLOYEE PRIVACY	2.3	3
EMPLOYEE RECORDS	2.1	3
CONFIDENTIALITY OF RECORDS	2.7	3
CURRENCY OF RECORDS	2.6	3
DUPLICATION OF RECORDS	2.5	3
OFFICIAL PERSONNEL FILE	2.2	3
PERSONNEL FILE REVIEW	2.4	3
EMPLOYEE REFERENCES	3.2	7
EMPLOYEE RESPONSIBILITY (ALCOHOL/CONTROL SUBSTANCE ABUSE)	16.4	61
EMPLOYEE RESPONSIBILITY (SEXUAL HARASSMENT)	18.4	75
EMPLOYEE SEARCH POLICY	16.15	70
EMPLOYEES, SALARIED	10.8	35

City of Mesquite General Government Policies and Procedures Manual

Issued: April 2003

Page III

INDEX

EMPLOYMENT APPLICATIONS	4.8	13
EMPLOYMENT CATEGORIES	1.9	2
EMPLOYMENT INTERVIEWS	4.12	14
EQUAL EMPLOYMENT OPPORTUNITY	4.1	11
EVALUATION FORMS	17.5	73
EVALUATION FORMS AND PROCEDURES	17.2	73
EVALUATION TRAINING	17.6	73
EXAMINATION AUTHORITY (EMPLOYMENT)	5.1	16
EXAMINATION METHODS (EMPLOYMENT)	5.2	16
EXAMINATION PROCEDURES (EMPLOYMENT)	5.3	16
FAILURE TO NOTIFY (OF RESIGNATION)	11.4	41
FAILURE TO REPORT INJURY OR ILLNESS	13.3	43
FAIR LABOR STANDARDS ACT STATUS, DETERMINATION OF	10.2	31
FAMILY AND MEDICAL LEAVE	3.1	4
FALSIFICATION, DECEPTION, FRAUD	4.5	11
FORMER EMPLOYEES	4.4	11
GROUND FOR DISCIPLINARY ACTION/TERMINATION	8.2	22
GROUND FOR NON-DISCIPLINARY TERMINATION	8.3	25
HARASSMENT	18.1	75
ADMINISTRATIVE INVESTIGATION	18.7	76
CONFIDENTIALITY	18.6	76
DEFINITION AND EXAMPLES	18.2	75
DISCIPLINARY ACTION	18.8	76
EMPLOYEE RESPONSIBILITY (HARASSMENT)	18.4	75
MANAGEMENT RESPONSIBILITY	18.3	75
REPORTING HARASSMENT	18.5	75
HEALTH BENEFIT PLAN AND PRESCRIPTION PROGRAM	15.4	53
HOLIDAYS	15.1	50
HOLIDAY PAY	10.9	38
HOURS SCHEDULED TO WORK	1.6	1
INCIDENT REVIEW APPEAL BOARD	13.10	47
INJURY ABSENCE	13.5	43
INTERVIEWS	5.2	16
JOB ABANDONMENT	11.6	41
JOB BID FORM	4.8	13
JOB BIDDING	6.4	19
JOB POSTINGS (VACANCIES)	4.7	13
LAYOFF POLICY	8.5	26
LEAVE OF ABSENCE WITHOUT PAY	15.11	57
LEAVE TIME	10.6	33
LONGEVITY PAY	10.9	38
MEAL PERIODS	10.6	34
MEDICAL EXAMINATIONS	13.4	43
MEDICAL, PHYSICAL, PSYCHOLOGICAL TESTING	5.2	16
MILITARY LEAVE	15.13	57
MODIFIED DUTY	13.7	45

City of Mesquite General Government Policies and Procedures Manual

Issued: April 2003

Page IV

INDEX

NEGLECT OF DEBTS	4.5	12
NEPOTISM	4.5	11
NEPOTISM RESTRICTIONS	4.3	11
ON-CALL TIME	10.6	33
ORAL EXAMINATION	5.2	16
ORAL RESIGNATIONS	11.7	41
ORIENTATION	4.13	15
OUT-OF-CLASS PAY	10.9	36
OVERTIME AND COMPENSATORY TIME	10.5	32
OVERTIME POLICY	10.3	31
AUTHORIZATION OF OVERTIME	10.4	32
OVERTIME RATE CALCULATION	10.6	33
PERFORMANCE REVIEW	10.10	39
PAY PERIOD	10.1	31
PAY PLAN ADMINISTRATION	10.9	36
PAYROLL	15.10	57
PERFORMANCE APPRAISAL	17.1	73
ANNUAL PERFORMANCE APPRAISALS	17.4	73
APPEAL OF PERFORMANCE EVALUATION	17.7	74
EVALUATION FORMS	17.5	73
EVALUATION FORMS AND PROCEDURES	17.2	73
EVALUATION TRAINING	17.6	73
RATING FREQUENCY	17.3	73
PERSONAL APPEARANCE AND DRESS POLICY	3.6	10
PERSONNEL BOARD	1.13	2
PERSONAL (EMERGENCY) LEAVE	15.12	57
PHYSICALS	4.13	15
POLICY MANUAL	1.1	1
POLICIES & PROCEDURES MANUAL REVISIONS	1.3	1
POLICIES & PROCEDURES OBJECTIVES	1.4	1
POLITICAL ACTIVITY	1.10	2
POSITION APPOINTMENTS	4.13	15
PROBATION		
COMPLETION OF PROBATION/INTRODUCTORY PERIODS	6.2	18
DOCUMENTATION	6.3	18
JOB BIDDING	6.4	19
PURPOSE OF PROBATION/INTRODUCTORY PERIODS	6.1	18
PROMOTION	7.1	20
PURPOSE (OF ALCOHOL/DRUG TESTING POLICY)	16.2	60
PURPOSE (OF PERFORMANCE APPRAISAL)	17.1	73
PURPOSE OF PROBATIONARY/INTRODUCTORY PERIOD	6.1	18
PURPOSE OF THIS MANUAL	1.2	1
RANDOM DRUG TESTING	16.5	63
RECLASSIFICATION OF EXISTING POSITIONS	9.2	29
REJECTION OR DISCONTINUATION OF PROCESSING	4.5	11
REPORTING HARASSMENT	18.5	75
REQUISITIONS FOR JOB APPLICANTS	4.7	13

City of Mesquite General Government Policies and Procedures Manual

Issued: April 2003

Page V

INDEX

RESIDENCY REQUIREMENTS	4.14	15
RESIGNATIONS	11.1	41
RESIGNATION IN LIEU OF DISCHARGE	11.5	41
RESIGNATION WITHDRAWAL	11.3	41
REST PERIODS	10.6	34
RETIREMENT	11.8	41
BENEFITS (FOR RETIREMENT)	14.4	49
ELIGIBILITY FOR RETIREMENT	14.3	49
MEMBERSHIP IN TMRS	14.1	49
VESTING	14.2	49
SALARIED EMPLOYEES	10.8	35
SALARY SUPPLEMENT PAYMENTS	13.6	44
SEXUAL HARASSMENT	18.2	75
SICK LEAVE	15.3	52
TAX SAVER PROGRAM	15.8	56
TERMINATIONS, GROUND FOR NON-DISCIPLINARY	8.3	25
TERMINATION CHECKS	10.11	40
TRAINING AND INCENTIVE PAY	10.9	36
TRAINING TIME	10.6	33
TRANSFER	7.2	20
TRAVEL TIME	10.6	33
TRIAL BOARD	8.8	28
UNCLASSIFIED APPOINTMENT	1.7	1
VACANCIES	4.7	13
VACATIONS	15.2	50
VACATION DONATION	15.2	51
VERIFICATION OF MINIMUM QUALIFICATIONS	4.9	14
VESTING	14.2	49
VOLUNTEER SERVICE	10.6	35
WORK HISTORY	4.5	12
WORK SCHEDULE	4.5	12
WORK SCHEDULE	10.1	31
WORKDAY	10.1	31
WORKWEEK	10.1	31
WORKERS' COMPENSATION	13.2	43
ACCRUAL OF BENEFITS	13.5	44
FAILURE TO REPORT INJURY OR ILLNESS	13.3	43
INCIDENT INVESTIGATIONS	13.8	46
INCIDENT REVIEW APPEAL BOARD	13.10	47
INJURY ABSENCE	13.5	43
MEDICAL EXAMINATIONS	13.4	43
MODIFIED DUTY	13.7	45
PROGRAM MANAGEMENT	13.1	43