

ORDINANCE NO. 3841

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL WITH AMENDMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE OF JANUARY 1, 2007.

WHEREAS, pursuant to the City's Charter, Article IX-A, Section 6, the Human Resources Department presented the Personnel Board with the General Government Policies and Procedures Manual (Manual) with amendments on February 2, 2006; and

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

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

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

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

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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

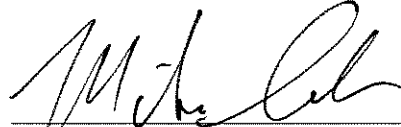
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

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

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

SECTION 6. That the ordinance shall become effective on and after January 1, 2007.

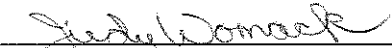
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 4th day of December, 2006.



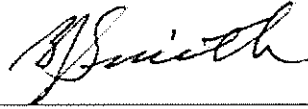
Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

MESQUITE

T E X A S

Real. Texas. Service.

**GENERAL GOVERNMENT
POLICIES AND PROCEDURES
MANUAL**

Issued January 2007

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page i

TABLE OF CONTENTS

CHAPTER 1 POLICIES AND PROCEDURES

1.1	Policy Manual	1
1.2	Purpose of This Manual	1
1.3	Manual Revisions	1
1.4	Objectives	1
1.5	Human Resources Director	1
1.6	Hours Scheduled to Work	1
1.7	Unclassified Appointment	1
1.8	Classified Appointment	2
1.9	Employment Categories	2
1.10	Political Activity	2
1.11	Age Requirement	2
1.12	Scope	2
1.13	Personnel Board	2

CHAPTER 2 EMPLOYEE RECORDS

2.1	Employee Records	3
2.2	Official Personnel File	3
2.3	Employee Privacy	3
2.4	Personnel File Review	3
2.5	Duplication of Records	3
2.6	Currency of Records	3
2.7	Confidentiality of Records	3

CHAPTER 3 GENERAL PROVISIONS

3.1	Unauthorized Electronic Surveillance, Eaves-Dropping and Tape Recording	4
3.4	Electronic Mail and Internet	4
3.5	Emergency Operations Policy	5
3.6	Personal Appearance and Dress Policy	6

CHAPTER 4 EMPLOYMENT POLICIES

4.1	Equal Employment Opportunity	7
4.2	Applicant Defined	7
4.3	Nepotism Restrictions	7
4.4	Former Employees	7
4.5	Rejection or Discontinuation of Processing	7
4.6	Dual Employment	9
4.7	Vacancies	9

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page ii

TABLE OF CONTENTS

4.8	Employment Applications	9
4.9	Verification of Minimum Qualifications	10
4.10	Applicant Testing	10
4.11	Applicant Processing	10
4.12	Employment Interviews	10
4.13	Position Appointments	11
4.14	Residency Requirements	11
4.15	Employee References	11

CHAPTER 5 EXAMINATION

5.1	Examination Authority	13
5.2	Examination Methods	13
5.3	Examination Procedures	13

CHAPTER 6 PROBATIONARY/INTRODUCTORY PERIODS

6.1	Purpose of Probation/Introductory Period	15
6.2	Completion of Probationary/Introductory Period	15
6.3	Documentation	15
6.4	Job Bidding	16

CHAPTER 7 PROMOTION/TRANSFER/DEMOTION

7.1	Promotion	17
7.2	Transfer	17
7.3	Demotion	17

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

8.1	Standards of Conduct	18
8.2	Grounds for Disciplinary Action/Termination	19
8.3	Grounds for Non-Disciplinary Termination	22
8.4	Disciplinary Action	22
8.5	Layoff Policy	23
8.6	Administrative Inquiry	24
8.7	Appeal from Disciplinary Action	24
8.8	Trial Board	25

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page iii

TABLE OF CONTENTS

CHAPTER 9 CLASSIFICATION SYSTEM

9.1	Classification Plan.....	27
9.2	Classification Plan Administration.....	27

CHAPTER 10 COMPENSATION POLICIES

10.1	Compensation Definitions	29
10.2	Determination of Fair Labor Standards Act Status.....	29
10.3	Overtime.....	29
10.4	Record Keeping.....	29
10.5	Other Payroll Time Definitions	29
10.6	Pay Plan Administration.....	34
10.7	Performance Review	36
10.8	Distribution of Payroll Checks	37

CHAPTER 11 RESIGNATIONS

11.1	Notice.....	38
11.2	Acceptance	38
11.3	Resignation Withdrawal.....	38
11.4	Failure to Notify	38
11.5	Resignation in Lieu of Discharge.....	38
11.6	Job Abandonment.....	38
11.7	Oral Resignations	38
11.8	Retirement	38

CHAPTER 12 COMPLAINT RESOLUTION PROCEDURE

12.1	Informal Complaint Resolution.....	39
12.2	Formal Complaint Procedure	39
12.3	Chain of Command	39
12.4	Time Limitations	39
12.5	Actions Excluded From the Complaint Procedure	39
12.6	Reprisal Prohibited.....	40

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page iv

TABLE OF CONTENTS

CHAPTER 13 EMPLOYEE SAFETY AND HEALTH

13.1	Program Management	41
13.2	Workers' Compensation	41
13.3	Failure to Report Injury or Illness	41
13.4	Medical Examinations	41
13.5	Injury Absence	41
13.6	Salary Supplement Payments	42
13.7	Modified Duty	43
13.8	Incident Investigations	44
13.9	Incident Review Appeal Board	44
13.10	Applicant and Employee Motor Vehicle/Equipment Operator Standards	45

CHAPTER 14 RETIREMENT

14.1	Membership	47
14.2	Vesting	47
14.3	Eligibility for Retirement	47
14.4	Benefits	47
14.5	Additional Information	47

CHAPTER 15 EMPLOYEE BENEFITS

15.1	Definition	48
15.2	Holidays	48
15.3	Vacations	48
15.4	Sick Leave	50
15.5	Health Benefit Plan and Prescription Program	52
15.6	Dental	53
15.7	Employee Assistance Program	54
15.8	Death Benefits	54
15.9	Tax Saver Program	54
15.10	Retirement	55
15.11	Payroll	56
15.12	Personal Leave	56
15.13	Military Leave	57
15.14	Educational Leave	57
15.15	Court Leave	58
15.16	Approved Leave without Pay	58
15.17	Family and Medical Leave	58

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page v

TABLE OF CONTENTS

CHAPTER 16 CONTROLLED SUBSTANCE AND ALCOHOL ABUSE AND TESTING POLICY

16.1	Scope	63
16.2	Purpose	63
16.3	Alcohol/Controlled Substance Use	64
16.4	Employee Responsibilities	64
16.5	Conditions Whereby Drug or Alcohol Testing is to be Conducted	64
16.6	Required Testing	67
16.7	Testing Procedures	70
16.8	Acknowledgement of Policy and Failure to Comply	70
16.9	City-Approved Laboratory	70
16.10	Confidentiality of Information	70
16.11	Consequences of a Positive Test	71
16.12	Assistance to Employees	71
16.13	Special Provisions	72
16.14	Employee Drug Convictions	72
16.15	Employee Search Policy	72
16.16	Reservation of Rights	72
16.17	Definitions	72

CHAPTER 17 PERFORMANCE APPRAISAL

17.1	Purpose	74
17.2	Evaluation Forms and Procedures	74
17.3	Rating Frequency	74
17.4	Annual Performance Reviews	74
17.5	Evaluation Forms	74
17.6	Evaluation Training	74
17.7	Appeal of Performance Evaluation	74

CHAPTER 18 HARASSMENT

18.1	Policy	76
18.2	Definition	76
18.3	Management Responsibility	76
18.4	Employee Responsibility	76
18.5	Reporting Harassment	76
18.6	Confidentiality	77
18.7	Administrative Investigation	77

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page vi

TABLE OF CONTENTS

18.8 Disciplinary Action77

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 1

CHAPTER 1 POLICIES AND PROCEDURES

I. POLICY MANUAL

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

II. PURPOSE OF THIS MANUAL

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

III. MANUAL REVISIONS

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

IV. OBJECTIVES

The objectives of this manual are as follows:

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

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

V. HUMAN RESOURCES DIRECTOR

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

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

VI. HOURS SCHEDULED TO WORK

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

VII. UNCLASSIFIED APPOINTMENT

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

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 2

CHAPTER 1 POLICIES AND PROCEDURES

VIII. CLASSIFIED APPOINTMENT

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

IX. EMPLOYMENT CATEGORIES

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

X. POLITICAL ACTIVITY

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

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

XI. AGE REQUIREMENT

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

XII. SCOPE

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

XIII. PERSONNEL BOARD

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 3

CHAPTER 2 EMPLOYEE RECORDS

I. EMPLOYEE RECORDS

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

II. OFFICIAL PERSONNEL FILE

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

III. EMPLOYEE PRIVACY

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

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

IV. PERSONNEL FILE REVIEW

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

V. DUPLICATION OF RECORDS

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

VI. CURRENCY OF RECORDS

Employees shall notify the Human Resources Department within 10 calendar days, on the appropriate forms, of any change in the following:

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

VII. CONFIDENTIALITY OF RECORDS

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 4

CHAPTER 3 GENERAL PROVISIONS

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

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

5. **General:** This policy does not preclude the tape recording of such communications when all parties to the communication are aware of the fact that the communication is being recorded.

II. ELECTRONIC MAIL AND INTERNET

1. **Purpose:** The efficient utilization of the Electronic Mail (e-mail) and the Internet for communications and research can improve the quality and productivity of the City's work force. Every City of Mesquite employee is responsible for ensuring that the City's Electronic Mail and Internet system is used properly and in accordance with this policy. Any questions about this policy should be directed to the Human Resources Director.
2. **Access:** Requests for Internet access or an e-mail address must be approved by the employee's Department Director and the City Manager or designee before access is granted. All requests shall be submitted to the MIS Division for necessary action.
3. **Usage:**
 - a. Downloading of software products from Internet sites is not permitted without prior approval of the MIS Division. City employees shall virus-scan all files that are downloaded from the Internet and follow all copyright laws.
 - b. Limited personal/non-business use of e-mail and the Internet is acceptable. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege. Any personal use of the e-mail and Internet systems shall not interfere with the person's job responsibilities.
 - c. Employees shall not share their passwords with others.
 - d. No e-mail or Internet messages will be created, sent, or downloaded which may constitute intimidating, hostile, or offensive material on the basis of sex, race, color, religion, national origin, age, or disability. The City's policy

CHAPTER 3 GENERAL PROVISIONS

- against sexual or other harassment applies fully to this policy.
- e. Using the network for business to yield personal financial gain, or for any commercial or illegal activity, is not allowed.
 - f. When a City employee leaves the employment of the City, the Human Resources Director will notify the MIS Manager immediately to ensure that the list of users is kept up to date.
 - g. Utilization of the entire e-mail directory or using the "everybody" function for personal use must be approved by a department director or the City Manager's office.
4. **Employee Privacy:**
- a. The City reserves the right to monitor e-mail and Internet usage to assure that its resources are being used only for business purposes.
 - b. Employees do not have a personal privacy or property right in any matter created, received, or sent using the e-mail or Internet.
 - c. The City reserves the right to access, retrieve, read, and delete any communication that is created, sent, or received using the City's e-mail or the Internet to assure compliance with this and other policies.
 - d. Any employee who becomes aware of misuse of the e-mail or Internet system shall promptly contact their supervisor.
5. **Citizen Privacy:**
- a. No e-mail message, relating to City business, containing a citizen's e-mail address should be forwarded to another individual outside the City. This information is not subject to disclosure to the Public Information Act, and permission must be obtained from the sender prior to forwarding the information. This provision does not apply to e-mail addresses of contractors or vendors with the City.
6. **Confidentiality:**
- a. Employees should disclose information or messages from the e-mail or Internet only to authorized employees or

- recipients. City confidential information must be protected from improper dissemination to unauthorized employees or to third parties through the e-mail system. City employees must use caution in the transmission and storage of confidential or restricted information.
- b. Computers or terminals shall not be left unattended in a state which affords inappropriate access to records of the City, allows unauthorized users access to the e-mail or Internet, or otherwise compromises security.
7. **Retention of Records:**
- a. Any e-mail created in connection with the transaction of official City business (as a letter or memorandum) should be treated as any other recorded document and retained according to the applicable retention period in the Records Control Schedule.
 - b. Destruction of e-mail that fits the criteria for public records should be performed in accordance with the policies of the Records Management Committee.

III. EMERGENCY OPERATIONS POLICY

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

- 1. Upon activation of the "Emergency Operations Policy", City of Mesquite employees are expected to be able and willing:
 - a. To be "On-Call" via page or phone and subject to reporting for duty.
 - b. To work extended hours beyond the normal shift.

**CHAPTER 3
GENERAL PROVISIONS**

- c. To work shift hours different from the normal practice.
- d. To perform duties different from the normal practice.
- e. To work under the direction of different supervisors.
- f. To work in different departments.
- g. To operate under procedures and policies that may have to be suspended or amended by Department Directors to cope with unusual situations.

**IV.
PERSONAL APPEARANCE AND
DRESS POLICY**

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

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

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 7

CHAPTER 4 EMPLOYMENT POLICIES

I. EQUAL EMPLOYMENT OPPORTUNITY

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

II. APPLICANT DEFINED

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

III. NEPOTISM RESTRICTIONS

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

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

5. Nepotism restrictions do not apply to employees classified as seasonal, except as set forth in the City Charter.

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

IV. FORMER EMPLOYEES

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

V. REJECTION OR DISCONTINUATION OF PROCESSING

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

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 8

CHAPTER 4 EMPLOYMENT POLICIES

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 9

CHAPTER 4 EMPLOYMENT POLICIES

ment, or employment in a sexually-oriented business.

- 2) Public espousal of membership in or a philosophy of an organization that espouses racial, religious, or ethnic hatred.
 - 3) Public espousal of membership in or philosophy of an organization that espouses civil disobedience.
17. **Other:** Failure to meet any other essential requirements of the job.

VI. DUAL EMPLOYMENT

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

VII. VACANCIES

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

and job bids accepted for a period of time sufficient to allow qualified employees to apply. In the event of an emergency, after three days the Human Resources Director may close positions without notice and cease acceptance and review of applications for positions as deemed necessary, even if the job posting notice originally indicated that job applications would be accepted for a longer period of time.

VIII. EMPLOYMENT APPLICATIONS

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

**CHAPTER 4
EMPLOYMENT POLICIES**

hard to fill positions where resumes will be accepted even if a vacancy does not exist. Acceptance of a resume does not confer applicant status nor constitute an agreement by the City to notify the job seeker.

4. **Acceptance of Applications:**

- a. **Incomplete Applications**
Applications and supplements must be completed in full; incomplete applications and supplements will not be considered for employment. An application is considered incomplete:
 - 1) If responses have not been provided to all entries on the employment application and supplements.
 - 2) If the job seeker has not signed and dated all designated areas.
 - 3) If necessary diplomas, licensure, certification, or other requested documents have not been furnished.
- b. **Property of City**
Once application, supplement, or any other documentation is submitted to the Human Resources Department for employment consideration, it becomes the property of the City of Mesquite.
- c. **Information Verification**
The Human Resources Department may, at its discretion, contact an applicant or any relevant source to obtain information omitted from the application. All information provided is subject to verification and investigation.

**IX.
VERIFICATION OF MINIMUM
QUALIFICATIONS**

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

the sole responsibility of the Human Resources Department.

**X.
APPLICANT TESTING**

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

**XI.
APPLICANT PROCESSING**

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

**XII.
EMPLOYMENT INTERVIEWS**

The hiring department shall adhere to the following guidelines:

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 11

CHAPTER 4 EMPLOYMENT POLICIES

XIII. POSITION APPOINTMENTS

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

XV. EMPLOYEE REFERENCES

1. **General Policy:** It is the policy of the City of Mesquite to respond factually and accurately to properly submitted requests for employment information.
2. **Employment Information:** All written or phone requests for employment information or verification for current, retired, or terminated employees, received by a department, supervisor, or employee shall be referred to the Human Resources Department.
 - a. **By Phone:** Responses to phone requests will be limited to information which is job-relevant and verifiable by proper documentation contained in the employee's official Human Resources Department file. This would include the following: dates of employment; positions held; salary grade minimum and maximum at separation; reason for separation as stated on the Separation Request Form.
 - b. **In Writing with Signed Release:** Upon receipt of a properly written release, the following information may be provided: all of the information covered under 19.2(2)a, and if requested and available in file, overall rating on most recent performance appraisal; actual salary; documented disciplinary actions; last known address and phone number, unless employee elected to restrict release of that information during employment; any other requested job-

XIV. RESIDENCY REQUIREMENTS

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

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

**CHAPTER 4
EMPLOYMENT POLICIES**

- related information deemed appropriate by the Human Resources Director.
- c. **Refusal to Furnish:** The Human Resources Director may decline to furnish employment information if: (1) request is in a manner or form which does not adequately protect the City from possible litigation; (2) the information requested is subject to a written, non-disclosure agreement.
3. **Personal References:** Personal references may be provided by an employee as long as references are not on City stationery, not signed with the individual's title or position, and do not contradict information documented in the employee's Human Resources Department file.
4. **Recordkeeping:** A copy of all written requests for information, authorization to release, and information provided will be maintained by the Human Resources Department.
5. **Eligibility for Rehire:** The City does not make a determination upon termination regarding an employee's eligibility for rehire. All prior employees are eligible to submit an application through the normal application process (Reference Section 4.4, Former Employees).

CHAPTER 5
EXAMINATION

I.
EXAMINATION AUTHORITY

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

II.
EXAMINATION METHODS

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

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

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

III.
EXAMINATION PROCEDURES

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

**CHAPTER 5
EXAMINATION**

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

**CHAPTER 6
PROBATIONARY AND INTRODUCTORY PERIODS**

**I.
PURPOSE OF PROBATIONARY/
INTRODUCTORY PERIOD**

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

**II.
COMPLETION OF PROBATIONARY/
INTRODUCTORY PERIOD**

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

Subject to review and approval by the Human Resources Director, an employee's probationary period may be extended for a period not to exceed ninety (90) days. (Fire and Police commissioned personnel are governed by the probation provisions of the Texas Local Government Code, Chapter 143.)

- 2. Part-Time Employees**
All newly hired part-time employees shall serve an introductory period of six months. Part-time employees are always "at will" and

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

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

**III.
DOCUMENTATION**

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

**CHAPTER 6
PROBATIONARY AND INTRODUCTORY PERIODS**

**IV.
JOB BIDDING**

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

CHAPTER 7
PROMOTION/TRANSFER/DEMOTION

I.
PROMOTION

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

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

II.
TRANSFER

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

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

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

III.
DEMOTION

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

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

**I
STANDARDS OF CONDUCT**

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

1. No [omitted] employee of the city shall:

- a. Accept any gift or favor from any person that might reasonably tend to influence him in the discharge of his official duties, or grant in the discharge of his official duties any improper favor, service, or thing of value.
- b. Grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group.
- c. Disclose information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly use any information gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
- d. Engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to him in the employment of the City, or reflect discredit upon the City, or in which his employment in the City will give him an advantage over others engaged in a similar business, vocation, or activity.
- e. Transact any business on behalf of the City in his official capacity with any business entity with which he is an officer, agent, or member, or in which he owns a substantial interest. In the event that such a circumstance should arise, then he shall make known his interest, [omitted] and turn the matter over to his superior for reassignment, state the reasons for doing so, and having nothing further do with the matter involved.

- f. Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty.
- g. Receive any fee or compensation for his services as an [omitted] employee of the City from any source other than the City except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the City if there is no conflict with his responsibilities.
- h. Represent, directly or indirectly, or appear in behalf of private interests of others before any agency of the City or any of its agencies.
- i. Use his official position to secure special privileges or exemptions for him or others.

2. The provisions of subsection (A) of this section shall not be deemed to deny to such party any right or privilege guaranteed by law or the federal and state constitutions. Where the advocacy of a right or privilege, however, is compatible with the position held by the advocate, such party shall make an election so that his position with the City and his advocacy will not be incompatible. Where the advocacy of a right or privilege is occasional and infrequent or involves little or no discretion, the advocate shall abstain from any action as an [omitted] employee that would reasonably appear to influence the outcome of the matter, such as voting on the matter, sitting on a board or tribunal charged with deciding the issue when the issue is to be decided, or in the case of an employee, personally processing the matter. Where the advocacy of the right or privilege is usual and frequent or can reasonably be expected to arise in due course of one's occupation or profession, then such [omitted] employee shall remove himself from his position as may be incompatible until such position of incompatibility ceases to exist.
3. The failure of any [omitted] employee to comply with or who violates one (1) or more

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

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

II.
GROUND FOR DISCIPLINARY
ACTION/TERMINATION

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

1. Attendance:

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

2. Job Performance:

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

- h. Inefficiency.
- i. Performing or conducting personal business during working hours.
- j. Abuse of eating and/or rest periods.
- k. Interfering with work of others.
- l. Discourteous treatment of the public or other employees.
- m. Other acts reflecting unsatisfactory job performance.
- n. Failure to exercise good judgment in the performance of the job.
- o. Failure to take the necessary steps to protect assets or employees.

3. Incompetence or Unsatisfactory Work Performance:

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

4. Failing to Follow Instructions/Insubordination:

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

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

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 21

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

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 22

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

employment or activities related to secondary employment that would reflect unfavorably upon the City or impair performance of job duties.

- b. Using City facilities, equipment, supplies, or time for engaging in secondary employment.
- c. Using information gained during employment for personal profit or gain.
18. **Dereliction of Duty:**
 - a. Failure to observe and give effect to the policies of the organization.
 - b. Failure to report or document violations of policy or procedure.
 - d. Other acts reflecting dereliction of duty.
19. **Unauthorized Electronic Surveillance, Eavesdropping and Tape Recording:**
 - a. Engaging in unauthorized electronic surveillance, eavesdropping, secret tape recording or secret use of camera cell phone of any communications between or among employees or elected representatives of the City of Mesquite.
 - b. Other acts of unauthorized electronic surveillance, eavesdropping, and tape recording.

III. GROUNDS FOR NON-DISCIPLINARY TERMINATION

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

1. **Failure to Maintain Minimum Job Requirements:** Failure to maintain or secure licenses or certifications required as a condition for performing the job.
2. Failure to successfully complete probationary period.
3. **Layoff:** A reduction in authorized positions as described in Chapter 8.V of this manual.
4. **Paid and Unpaid Leave Exhausted:** Upon exhaustion of injury absence, available modified duty and all accumulated sick, vacation leave or unpaid leave, the employee will be given a non-disciplinary separation if he or she is still unable to perform the essential

functions of his or her job due to medical or psychological incapacity.

IV. DISCIPLINARY ACTION

To the greatest extent practical, the City will use a progressive discipline system. The City, however, is not obligated to use all of the progressive disciplinary steps. Additionally, the City may begin the disciplinary process at any level, up to and including termination, based upon the severity of the infraction. All suspensions, demotions, terminations or resignations in lieu of terminations of employees, regardless of probationary status or employment category (part-time, seasonal, etc.), shall be approved by the Human Resources Director prior to action being taken. The City disciplines employees based on their entire record. The City is not required to use separate disciplinary tracks for each type of misconduct.

1. Types of Disciplinary Action

- a. **Oral Warning:** The oral warning is a conference, discussion, talk, or any other form of oral communication between a supervisor and employee in which the intent is to correct unsatisfactory job performance or conduct. Supervisors will document in their files oral warnings given to their employees, citing at a minimum the date of warning, content of the warning, and expected action to be taken by the employee to avoid further disciplinary action.
- b. **Written Reprimand:** The written reprimand is used to document, in writing to the employee, the unsatisfactory job performance or conduct that has been demonstrated by the employee. The employee will be requested to sign the reprimand. If the employee refuses, the supervisor present shall document on the reprimand that the employee was given the opportunity to sign but refused. The employee shall be given a copy of the supervisor's signed, written reprimand.
- c. **Suspension Without Pay:** Suspension without pay is used when an employee's

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

- unsatisfactory job performance or conduct requires more severe disciplinary action than a written reprimand. A suspension must be no less than one full workday and no more than twenty working days for any single disciplinary incident. Employees on disciplinary suspension without pay may not use compensatory, vacation, or sick leave to recuperate the lost time.
- d. Disciplinary Demotion: A disciplinary demotion is the reduction of an employee's pay grade as a result of action initiated by the City. Disciplinary demotion should only be considered as an appropriate form of action when the employee's job performance or conduct is unsatisfactory in the current position, and it is determined that the employee should be retained in a lower graded position.
- e. Voluntary Demotion: An employee may submit a written request for a voluntary demotion for non-disciplinary reasons. The determination to grant a voluntary demotion rests with the City Manager.
- f. Termination: Termination is an involuntary discharge from the City. Terminations may be for disciplinary or non-disciplinary reasons.
2. **Filing of Disciplinary Actions**
A signed copy of all reprimands, suspensions, demotions (disciplinary and voluntary), and terminations shall be promptly submitted to the Human Resources Director for inclusion in the employee's Human Resources file and may only be removed by court order, or in accordance with VTCA Local Government Code Chapter 143, where applicable.
3. **Affect of Disciplinary Termination on Benefits**
- a. Employees terminated as a result of disciplinary action are leaving "not in good standing" and are not eligible for payment of separation benefits (vacation and sick leave).

4. **Notice of Disciplinary Action**
- a. Procedural Due Process: Prior to suspension, disciplinary demotion, or disciplinary termination employees shall be notified of the department's intentions, the basis for the proposed action, and shall be allowed an opportunity to respond to the official making the disciplinary decision.
- b. To Employee: All employees who are reprimanded, suspended, disciplinarily demoted, or terminated will be given written notification of the grounds for the disciplinary action (Chapter 8.I), the acts or actions alleged to be in violation of the grounds for the disciplinary action, the consequences of any future violations of policy (except in cases of termination), and any right of appeal.

V.
LAYOFF POLICY

- A layoff is a non-disciplinary reduction in the number of authorized positions.
1. **Basis**: The City reserves the right to determine the number and type of personnel required to maintain the functions of the organization. The following are illustrative, but not all inclusive, of the basis for a layoff:
- a. A discontinuation of or reduction in demand for service.
- b. A change in level or source of funding.
- c. Technological developments that reduce staffing requirements.
- d. To accomplish economic or staffing efficiency.
- e. Privatization of services/contracting out.
- f. Requirements of state and/or federal laws.
2. **Retention Criteria**: The initial consideration shall be to maintain the level of service necessary to operate the City. Thereafter, the following factors shall apply in determination of which employees shall be subject to layoff:
- a. Degree of organizational impact as evidenced by employee's knowledge, skills and abilities, productivity, and job performance.

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

- b. Employee's length of service in the position, in the department, and with the City.
- 3. **Notice of Layoff:** Employees subject to layoff will be given two weeks' notice.
- 4. **Recall and Severance Pay:** The City makes no provision for recall or severance pay for the classified service.
- 5. **Benefits:** A layoff is considered a non-disciplinary termination. Employees will receive all termination benefits for which they are eligible, as provided by policy.
- 6. **Re-employment:** Employees subject to layoff may make application with the Human Resources Department, through the normal employment process, for consideration for current vacancies. Employees who have been subject to layoff will be required to meet all of the qualifications for the position for which they are applying.
- 7. **Fire and Police State Civil Service:** Employees covered under Fire and Police State Civil Service are governed by the provisions of Chapter 143 of the Local Government Code.

VI.
ADMINISTRATIVE INQUIRY

An employee may be placed on administrative leave with or without pay to permit the City to conduct an administrative inquiry regarding allegations of unacceptable or unlawful conduct as set forth in Chapter 8.II. Administrative leave is not considered a disciplinary action and is not grievable or appealable to the Trial Board. Paid administrative leave may not exceed forty-five days per inquiry.

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

VII.
APPEAL FROM DISCIPLINARY ACTION

Only regular full-time or terminated classified employees not on initial probation who have been suspended, involuntarily demoted, or terminated for

disciplinary reasons may use the Trial Board appeal for disciplinary action process.

I. **Employee Appeals**

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

b. **Appeal Process:**

- 1) It is the responsibility of the Human Resources Director to administer and coordinate the provisions of these policies and ensure compliance with established procedures.
- 2) The employee's appeal must be in writing on the Appeal of Disciplinary Action to Trial Board form provided by the Human Resources Director.
- 3) All appeals must be signed and dated by the employee. The Human Resources Director may not process an unsigned appeal.
- 4) At a minimum, the appeal must state:
 - i) The action being appealed.
 - ii) Why employee feels the action should be modified.
 - iii) The remedy sought by employee.
- 5) Once filed, the scope of the appeal may not be expanded or amended.

c. **Appeal Exclusions:** The Human Resources Director may not process an appeal:

- 1) Which questions the wisdom or advisability of any policy, procedure, or directive; or
- 2) Which has been rendered moot by existing law.

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

- d. Appeal Retraction: An appeal may be withdrawn at any time by written request of the appellant.
- e. Reimbursement of Legal Fees and Damages Prohibited: Employees are not entitled to seek reimbursement of any legal fees or seek damages other than back pay and benefits in connection with a Trial Board appeal.
- f. Hearings Private: Unless otherwise requested in writing by the appellant at the time of filing of the appeal, the appeal shall be closed to the public.

VIII.
TRIAL BOARD

1. **Membership**

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

2. **Jurisdiction Restricted**

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

3. **Board Administrator**

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

4. **Rules of Procedure**

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

- a. The Trial Board rules of procedure may not supplant or conflict with established City policy.
- b. The Trial Board may not consider appeals that question the wisdom or advisability of established City policy, procedure, or directive.
- c. The Trial Board may not render a decision that would serve to amend or modify any classification or compensation structure, benefit

program, or countermand any established City policy, procedure, or directive.

- d. The Trial Board may not interpret or consider issues or questions of law, but will adhere solely to the review of facts presented during the hearing relating to the disciplinary action taken.
- e. The Trial Board may not consider claims for reimbursement of any legal costs, fees, or damages other than back pay and benefits.
- f. The Trial Board will not allow the admission of nor consider evidence that is not relevant to the disciplinary action being appealed.
- g. The Trial Board will not allow the appellant to present testimony that has the effect of expanding their written appeal.
- h. The Trial Board will not review exhibits or hear testimony not presented during the hearing under oath and in the presence of both appellant and the City's representative.
- i. The Trial Board may not retain in their personal possession notes, exhibits, or items furnished in evidence during the hearing.
- j. The Trial Board may require witnesses to be removed from the hearing room except while testifying. The Trial Board may limit the number of witnesses and decline to hear repetitive and irrelevant testimony.
- k. The Trial Board may recess or go "off-the record" by a majority vote of the Trial Board members present.
- l. The Trial Board will establish an agenda of presentation to provide for the efficient conduct of its meetings.
- m. All Trial Board members will sign the official record of their deliberations and decisions within the time limits established by this policy.

5. **Quorum**

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

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

6. Notice of Appeal Hearing

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

7. Time Limits

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

**CHAPTER 9
CLASSIFICATION SYSTEM**

**I.
CLASSIFICATION PLAN**

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

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

**II.
CLASSIFICATION PLAN ADMINISTRATION**

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

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

3. **Classification of Newly Created Positions**
 - a. Department heads are responsible for submitting a written request for a job audit of newly created positions to the Human Resources Director. The department will submit a comprehensive description of the projected position's responsibilities with the request.
 - b. Once a newly created position has been filled, a second review of the position shall occur six (6) months to one (1) year after the incumbent's date of hire to ensure that the class specification accurately reflects the duties and responsibilities of the position.
 - c. Budget Requests: New positions, for which an existing classification does not exist, may be submitted with an estimated job grade and title. However, the final grade and job classification will be determined as a result of Human Resources Department's job analysis and evaluation.
4. **Reclassification Due to Job Duties and Responsibilities of Existing Positions**
 - a. Supervisors or managers who consider a position to be improperly classified due to changes in duties and responsibilities may submit a request for a job analysis study to their department director. If the department director finds that the request has merit, a written request to conduct a job analysis study may be submitted to City management for consideration. With City Management approval, the Human Resources Department will conduct a job analysis regarding the changes in duties, responsibilities, knowledge, skills, ability, and minimum requirements. If based on the job analysis Human

**CHAPTER 9
CLASSIFICATION SYSTEM**

- Resources recommends a grade change, City Management approval is required to implement the change.
- b. Where reclassification results in lowering the position's grade, the current incumbent may be provided the opportunity to accept reassignment to a vacant position in the same department. Otherwise, the incumbent shall accept the lower classification with the lower classification's salary grade.
 - c. Where reclassification results in moving the position's grade upward, the incumbent must meet all minimum qualifications of the job classification.
 - d. The decisions by management to modify, create, or abolish a position or classification is the exclusive prerogative of the City and is not subject to appeal.
5. **Reclassification Due to Salary Market Adjustment**
- a. A salary market adjustment is defined as a change in a position's pay grade to reflect competitive salaries in the market. In conjunction with the annual budget process the HR department will conduct an annual salary survey to measure salary competitiveness with select metroplex cities and the City of Mesquite. Reclassifications may occur as a result of the annual salary survey.
 - b. Supervisors or Managers who consider a position to be noncompetitive with the market may submit a request for a salary survey to their department director. If the department director finds that the request has merit, a written request to conduct a salary survey study may be submitted to City Management for consideration. With City Management approval, the Human Resources Department will conduct a salary survey study to measure salary competitiveness with select metroplex cities and the City of Mesquite. If based on the salary survey Human Resources recommends a grade change, City Management approval is required to implement the change.

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 29

CHAPTER 10 COMPENSATION POLICIES

I. COMPENSATION DEFINITIONS

1. **Exempt:** An employee exempt from minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees primarily include those individuals occupying a bona fide executive, administrative, and professional position under the Fair Labor Standards Act.
2. **Nonexempt:** An employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. Nonexempt employees include hourly employees (where pay is directly related to the number of hours worked) and some nonexempt salaried workers (clerical, supervisory, and para-professional job categories).
3. **Workday:** A workday is any twenty-four (24) hour period beginning at 12:01 a.m. and ending at 12:00 midnight.
4. **Workweek:** A workweek is defined as any fixed and regularly recurring period of seven (7) consecutive days. The workweek for all employees, other than commissioned Fire and Police personnel, begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on the following Friday. The beginning and ending of the workweek is subject to change by the City. The usual and customary hours worked per workweek for full-time, nonexempt employees, except for firefighting and emergency medical service personnel, shall be forty (40) hours.
5. **Work Schedule:** The work schedule for a full-time, nonexempt employees, except firefighting and emergency medical service personnel assigned to shift duty, is forty (40) duty hours in each workweek and eight (8) hours in each workday. With the written approval of the City Manager, department heads may establish alternate work schedules in their departments.
6. **Fire Department Work Period:** Firefighting and emergency medical service personnel assigned to shift duty shall work a recurring twenty-seven-day (27) work period. The work period shall begin at 7:00 a.m. and conclude at 7:00 a.m. twenty-seven days later.
7. **Alternative Work Arrangement:** Nonexempt employees performing work at a location other than the customary workplace (i.e. home) or work which exceeds their scheduled hours of work must have prior approval from their department head before such work occurs. The department is responsible for documenting their approval of alternative work arrangements with nonexempt employees by forwarding a copy of the agreement to the Human Resources Department. Employees who violate this section will be subject to disciplinary action.
8. **Pay Period:** A pay period is designated for accounting purposes only and refers to a period of two (2) workweeks. All employees are paid biweekly with normal paydays occurring every other Friday. Exceptions to paydays may occur due to City-observed holidays and official City closures.
9. **Hours Worked:** Hours worked shall be all time an employee is "suffered or permitted to work" for the City in any job-related capacity at any location where the City's business is performed, and includes approved overtime.
10. **Business Hours of the City:** The hours during which City offices and departments shall be open for business shall be determined by the City Manager.

II. DETERMINATION OF FAIR LABOR STANDARDS ACT STATUS

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

III. OVERTIME

1. **Policy**
For all employees except firefighting and emergency medical service personnel, overtime is defined as time paid at a rate of 1-

CHAPTER 10
COMPENSATION POLICIES

1/2 times an employee's hourly rate for paid hours in excess of forty (40) hours in a particular workweek pursuant to FLSA regulations. Firefighting and emergency medical service personnel assigned to a twenty-seven (27) day work period shall be paid on an overtime basis for time worked in excess of 204 hours within the work period. The one-half time provisions permitted under the FLSA shall apply. Overtime shall be considered as authorized when submitted in compliance with this chapter and applicable departmental regulations.

2. **Authorization**

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

3. **Compensatory Time**

a. Comp Time: Nonexempt employees, except firefighting and emergency medical service personnel, who work authorized overtime may be compensated for that time by receiving compensatory time off at the rate of 1-1/2 hours of compensatory time for every hour of authorized overtime worked. However, the City may at any time, in its sole discretion, substitute payment for overtime at 1-1/2 times the employee's regular rate for compensatory time off, either in whole or in part.

b. Comp Time Accrual in Public Safety Jobs: Firefighting and emergency medical service personnel will receive payment for overtime at the rate of 1-1/2 times their regular rate and are not eligible for compensatory time without prior department head approval. Nonexempt employees engaged in public safety activities, emergency

response activities, or seasonal activities who are eligible for compensatory time may accrue up to eighty (80) hours of compensatory time off, after which overtime will be paid at 1-1/2 times the employee's regular rate.

c. Comp Time Accrual in General Government Jobs: All nonexempt employees eligible for compensatory time will receive payment for overtime at 1-1/2 times their regular rate after they have accrued eighty (80) hours of compensatory time off.

d. Payment for Accrued Comp: Payment for accrued compensatory time may be made at any time, at the City's sole discretion, and shall be paid at the regular rate earned by the employee at the time payment is made.

e. Comp Payment Upon Termination: Upon termination of employment, nonexempt employees will be paid for unused compensatory time at a rate of compensation not less than the higher of:

- 1) The average regular rate received by the employee during the three-year (3) period immediately prior to termination, or
- 2) The final regular rate received by the employee.

f. Exempt Employees: Employees who are exempt from the Fair Labor Standards Act are not entitled to automatically accrue compensatory time.

4. **When Overtime/Compensatory Time is Granted**

a. Comp Time Over 40 Hours: Comp time may be granted to nonexempt employees for all paid hours over forty (40) in a workweek. Averaging of hours worked over two (2) workweeks is not acceptable and violates the Fair Labor Standards Act. Comp time shall be accrued on the regular payday for the period in which the workweek ends unless the correct amount of comp time cannot be determined until some time

CHAPTER 10
COMPENSATION POLICIES

- after the regular pay period has been processed.
- b. Overtime Payments: Temporary or seasonal, nonexempt employees whose hours worked per workweek exceed forty (40) hours shall receive overtime pay for the hours worked in excess of forty (40) for that workweek.
5. **Use of Compensatory Time**
- a. Authorizing Comp Time: A nonexempt employee who has accrued compensatory time may request the use of compensatory time off at any time. The department shall grant the use of compensatory time as requested by the employee unless the employee's absence from work would be unduly disruptive of departmental operations.
 - b. Disciplinary Actions: Nonexempt employees on disciplinary suspension without pay may not use accrued compensatory time to recuperate the time lost due to the disciplinary suspension.
6. **Mandatory Payment for Compensatory Time**
- a. At Termination: See Chapter 10.III.3.e.
 - b. Promotions: Nonexempt employees who are promoted or reclassified into an exempt position shall continue to be allowed to use any previously accumulated compensatory time which was gained while employed in a nonexempt status until all time has been depleted subject to Chapter 10.III.3.d.

Upon termination, unused compensatory time will be paid in conformance with Chapter 10.III.3.e.

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

8. **Discretionary Time of Exempt Employees**
- Exempt employees are expected to perform a function that is not strictly defined by an established number of hours. Exempt employees, who in the opinion of the department director, have worked beyond a normal workweek may be granted discretionary time off in accordance with the procedures below.
- a. Eligibility: Exempt employees may be eligible for accumulated discretionary time.
 - b. Use of Discretionary Time: Exempt employees may take discretionary time off within a reasonable period following their requests. Discretionary time off must not unduly interrupt departmental operations and must have supervisory approval.
 - c. Unused Discretionary Time: Exempt employees will not be paid for accumulated unused, discretionary time upon termination.
 - d. Recordkeeping and Administration: Department heads/division managers are responsible for discretionary time records and policies for use of discretionary time for their exempt employees.

IV.
RECORDKEEPING

1. **Record Keeping**
- a. Department Responsibilities: Each department is responsible for ensuring that complete records are maintained of actual hours worked by all nonexempt employees for a period of three (3) years. Records should contain employee's:
 - 1) Full name, home address including zip code, date of birth (if under age 19), and occupation.
 - 2) Hour and day when workweek begins.
 - 3) Beginning and ending time for each work day.

CHAPTER 10
COMPENSATION POLICIES

- 4) Total hours worked each workday and workweek.
 - 5) Total daily or weekly straight-time earnings.
 - 6) Regular, hourly pay rate for any week when overtime is worked.
 - 7) Total overtime for the workweek.
 - 8) Deductions from or additions to wages.
 - 9) Total wages paid each pay period.
 - 10) Date of payment and pay period covered.
- b. FLSA Regulations: FLSA regulations require maintenance of complete records as follows for all exempt employees:
- 1) Full name, home address including zip code, date of birth (if under 19), sex, and occupation in which employed.
 - 2) Time of day and day of week on which the employee's workweek begins.
 - 3) The basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment, including fringe benefits and perquisites.
- c. Records: Records must be accurate and available upon request by the Human Resources Department.
- d. Supervisor's Responsibilities: Supervisors of nonexempt employees are responsible for monitoring each subordinate's hours worked for each workweek and ensuring that the employee is properly compensated.
- e. Employee's Responsibilities: All employees are responsible for accurately reporting their hours worked each day on their timesheets.

V.
OTHER PAYROLL TIME DEFINITIONS

1. **Leave Time**
 - a. General Government Employees: Paid leave time, such as vacation, holidays, sick leave, or workers' compensation will be considered as hours worked for purposes of determining eligibility for overtime payment.
 - b. Firefighting and Emergency Medical Service Personnel: Time not actually worked will not be considered as hours worked when calculating FLSA overtime payment for Section 207(k) firefighting and emergency medical service personnel assigned to shift duty.
2. **On-Call Time:** Employees who are "on-call" are free to use their time effectively for their own purposes as long as they leave word with the appropriate supervisory officials as to where they can be reached, are able to respond within a reasonable and acceptable time and are physically able to perform the duties assigned to their position. As such, on-call time is not compensable unless an employee is actually called to work, and on-call time that is not worked will not be included for purposes of calculating overtime. An employee who is free to perform personal activities but is required to be available to summons via pagers, phone, or radio is not working while on call.
3. **Waiting Time:** Employees who arrive at work before their scheduled hours, unless working approved overtime, are not eligible for compensation for that period of time. Supervisors are responsible for ensuring that employees do not perform work outside their scheduled work hours without prior approval. Disciplinary action may be taken against employees and/or supervisors who fail to comply with scheduled hours of work.
4. **Rest Periods:** At the discretion of the department head, employees may be granted two (2) fifteen-minute (15) paid rest periods each day. Rest period schedules shall be granted by the department. Rest periods may not be combined with the normally scheduled

CHAPTER 10
COMPENSATION POLICIES

- meal period for purposes of extending the meal period. Employees who do not receive rest periods may not alter their normal workday by leaving early and/or arriving late.
5. **Inactive Hours:** An employee shall not receive pay for inactive hours. Inactive hours are those hours that the employee was regularly scheduled to work but does not work due to inclement weather, equipment breakdown or other sufficient reasons as determined by the department head. The employee must be completely relieved of duty and allowed to leave the worksite by permission of a supervisor.
6. **Meal Periods:** Uninterrupted meal periods of at least 30 minutes, during which an employee is completely relieved from duty, are not compensable and will not be included in hours worked for purposes of calculating overtime. However, if an employee is required by his/her supervisor to work during the meal period, he/she will be compensated.
7. **Travel Time**
- a. **Between Home and Work Site:** Under ordinary circumstances, time spent by an employee traveling between home and work and returning home is not compensable. However, if an employee has gone home after completing a day's work and is subsequently called out on an emergency, time spent traveling to and from the location where work is performed will be compensable.
- b. **One Job Site to Another:** Travel by an employee from one job site to another job site during the workday is compensable. When an employee is required to travel out of town for one day, time spent traveling from home to the location of a common carrier is not compensable, but all other travel time is compensable. Where employees travel overnight on business, travel time during normal working hours, on non-working days as well as regular working days, is compensable. Time spent traveling outside of regular working hours is not compensable and will not be included in hours worked for purposes of calculating overtime.
8. **Training Time**
- a. **Exclusion Criteria:** Time spent by employees in training programs, lectures and safety meetings is not counted as working time if:
- 1) It occurs outside the employee's regular working hours.
 - 2) Attendance is voluntary.
 - 3) The employee does no productive work while attending.
 - 4) The program, lecture, or meeting is not directly related to the employee's job.
- Moreover, even if all of the above requirements are not met, attendance outside of regular working hours at specialized or follow-up training, required by the law of a higher level of government, will be considered non-compensable and will not be included in hours worked for purposes of calculating overtime.
- b. **If Training Required:** Training must be considered hours worked if the employee is required to attend by the City or approved by their supervisor.
- c. **Self-Development Excluded:** Training may not be considered hours worked if the employee, on his/her own initiative, attends an independent school, college, meeting, or independent trade school after work hours.
9. **Volunteer Service**
- Employees perform unpaid volunteer service for the City when the following criteria are met:
- a. The service is for civic, charitable or humanitarian reasons without promise or expectation of compensation in the form of paid expenses, benefits or fees to perform services.
- 1) The services are offered freely without coercion.
 - 2) The services performed are not services the employee normally performs for the City.

CHAPTER 10
COMPENSATION POLICIES

VI.
PAY PLAN ADMINISTRATION

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

1. **Pay for New Employees**

- a. **Hiring Salary:** All new employees shall be employed at minimum rate of pay for the position's current grade. Department directors may request a variance in writing to the City Manager's Office.
- b. **Merit Increase:** Employees are eligible for annual merit increases based on the date of hire. The employee will be evaluated annually and Supervisors will discuss the employee's progress on performance reviews.

2. **Pay for Promotions/Reclassifications**

- a. **Promotions:** When an employee accepts greater job responsibilities and receives a change from a pay grade with a lower midpoint to a pay grade with a higher midpoint.
- b. **Reclassifications:** A reclassification may occur when there is a major change in duties and/or responsibilities of an individual's job.
- c. **Eligibility for Salary Increase:** Promoted or reclassified employees are eligible for a 5% salary increase, or the new grade's minimum salary, whichever is higher. Employees will be evaluated annually and eligible for a merit increase based on the date of the promotion.

3. **Pro-Rated Merit Increase:**

Upon promotion or lateral transfer, individuals whose last review was three months or more prior to lateral transfer or promotion may be eligible to receive a pro-rated merit increase based on the number of months since last review date. The Pro-Rated Merit increase is given before the promotion increase is

calculated. A new performance review by the out-going supervisor is required to determine eligibility for a pro-rated merit increase.

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

4. **Pay Upon Demotion**

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

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

- b. **Non-disciplinary**
 - 1) **Maximum Pay:** Regular full-time employees who receive a non-disciplinary demotion may have their pay reduced within the pay range of the new grade. However, the pay shall not exceed the highest salary in the new pay grade. The performance review date shall not change for non-disciplinary demotions.

5. **Out-of-Class Pay**

- a. **Minimum Increase:** Any regular full-time employee who is assigned temporarily to work in a regular full-time position with a higher pay grade midpoint than his or her own shall be eligible for a 5% salary increase or the new grade's minimum salary, whichever is higher.
- b. **Minimum Time Period:** An employee temporarily assigned to serve in a higher-level position must actually perform the full range of duties of the higher-level position, and perform the position's duties for two (2) or more consecutive and complete work days to be eligible for out-of-class pay. Once

**CHAPTER 10
COMPENSATION POLICIES**

- eligible, all days worked in the higher classification shall be compensated at out-of-class rate. The two-day (2) waiting period does not apply to employees subject to provisions of the Texas Local Government Code, Chapter 143.
- c. Maximum Time Period: No employee shall be allowed to work in a higher classification for more than thirty (30) consecutive calendar days. Department head requests for extended out-of-class pay shall be in writing and referred to the Human Resources Director who shall analyze the request and recommend appropriate action to the City Manager. Employees subject to provisions of the Texas Local Government Code, Chapter 143, shall not be subject to the thirty-day (30) maximum restriction.
- d. On-the-Job Training: Employees performing the duties of a higher classification for purposes of on-the-job training are not eligible for out-of-class pay.
- e. Positions Excluded: The positions of City Manager, Assistant City Manager, City Council-appointed positions, and Department Directors or their organizational equivalents are excluded from out-of-class pay provisions.
- f. Prior Authorization: All job assignments requiring out-of-class pay require prior authorization of the department head.
6. **Training and Incentive Pay**
- a. Minimum Requirements Excluded: Training and incentive pay shall not be paid for certifications, licensures, etcetera, which are minimally required qualifications of the position as specified in the official job description.
- b. Implementation Approval: Department head requests to implement training and incentive programs shall be in writing and referred to the Human Resources Director who shall analyze the request and recommend appropriate action to the City Manager.
7. **Longevity Pay:** All regular full-time employees who have completed a full continuous year with the City are eligible to participate in the City's longevity program. Longevity pay increases are calculated on the first day of the employment anniversary month. Changes in employment status from part-time or seasonal to a full-time probationary appointment shall be treated as a new hire and subject to the same procedures. Longevity pay shall be earned as follows, commencing with such employee's employment anniversary date:
- | <u>Number of Years Employed</u> | <u>Longevity Amount</u> |
|---------------------------------|---|
| One through four years: | \$4/month for each year of service |
| Five through nine years: | \$6/month for each year of service |
| Ten through fourteen years: | \$8/month for each year of service |
| Fifteen or more years: | \$10/month for each year of service up to a 25-year maximum |
8. **Holiday**
- a. Eligibility: Only employees in full-time positions are eligible for paid holidays. Holiday pay shall be received for those holidays officially observed by the City.
- b. Absences: A new employee whose first scheduled day is the day after a holiday shall not be paid for that holiday. An employee must work the day before and the day after the holiday to receive holiday pay. Employees in an authorized paid leave status will receive holiday pay.
- c. Working on Holiday: As many employees as possible shall be given each holiday off without loss of pay. Employees who, because of the nature of their work cannot be given time off shall, at the discretion of the department head, receive holiday time in addition to their regular rate of pay for the actual time worked or have their holiday rescheduled at a later date.
- d. Alternate Holidays: Employees wishing to observe religious holidays not officially observed by the City shall,

CHAPTER 10
COMPENSATION POLICIES

- at their option and with the approval of the department head, be given time off without pay or the time charged to their accrued vacation or compensatory time.
- e. Termination: An employee who is terminating employment and whose last day as a paid employee is the day before a holiday, shall not be paid for that holiday. An employee whose last day is on that holiday shall not receive holiday pay unless they actually work on that holiday.
 - f. Official Holiday: The day the City observes the holiday shall be considered the "holiday" for all City employees.
 - g. On Regular Day Off: If an employee's regular day off falls on a holiday, the department may compensate the employee in one of the following ways:
 - 1) The employee may be paid an additional eight (8) hours.
 - 2) The employee may schedule another day off from their regular assigned work schedule.
 - h. Disciplinary Action: Employees who are off without pay due to a disciplinary suspension shall not receive holiday pay. Employees who are off without pay, for any reason, the day before or the day after the holiday shall not receive holiday pay or accrue holiday pay.
 - i. Determination of Other Compensation Issues: Questions regarding compensation that are not covered by the above regulations shall be referred in writing to the Human Resources Director for determination.
9. **Emergency Call-Back Pay**
- a. Defined: Defined as times when a nonexempt employee is called back to work after/before regular working hours or required to work a double shift due to the absence of another employee.
 - b. Pay: Employees called back shall receive a minimum of two (2) hours at the rate of time and one-half pay.
 - c. Multiple Call Backs: Employees may not receive more than two (2) call back credits in any eight-hour (8) work period. A multiple call back occurs when an employee returns home and is recalled to their work site. Responding to a recall after being released but prior to returning home does not constitute a multiple call back.
 - d. Department Records: Departments are responsible for documenting the call-back reasons and maintaining documentation in the department for a period of three (3) years.
10. **Inclement Weather**
- a. City Policy: The City is responsible for providing Police, Fire, water, sewer, sanitation and other services to the citizens of Mesquite with or without inclement weather conditions. Given these responsibilities, it is the City's policy to be open for business under all types of weather conditions.
 - b. Reporting to Work: All employees shall be required to work on their normally scheduled work days regardless of inclement weather conditions unless instructed otherwise by their department head or supervisor.
 - c. Supervisory Notification: Department heads are responsible for ensuring that their operations are adequately staffed during periods of inclement weather. Employees who miss work or expect to be late for work due to inclement weather conditions must notify their department head or supervisor immediately. Failure to properly notify may result in disciplinary action.
 - d. Time Missed: Employees who miss work due to inclement weather may use accrued vacation or compensatory time to compensate for the lost time. Employees with no vacation or compensatory time accrued shall not be reimbursed for the lost time.

VII.
PERFORMANCE REVIEW

1. **Overview**: The performance pay system is established for purposes of rewarding those

CHAPTER 10 COMPENSATION POLICIES

- employees who demonstrate and maintain a high level of performance. The amount of the increase received shall be commensurate with the performance review. Merit increases may be deferred, pending improvement in performance, when processed in accordance with established procedures.
2. **Merit Increase Effective Dates:** When review dates occur in the first week of the pay period, merit increases are effective on that pay period. When review dates occur in the second week of the pay period, merit increases are effective the following pay period. Promotions, disciplinary demotions and lateral transfers will result in a new merit review date. With the exception of non-classified employees, no merit increase shall be processed without the completion of a performance review.
 - a. **First Seven Days:** Should the anniversary date fall within the first seven (7) days of the payroll period, the merit increase shall be effective that payroll period.
 - b. **Last Seven Days:** Should the anniversary date fall within the last seven (7) days of the payroll period, the merit increase shall be effective the following payroll period.
 3. **Non-Periodic Increases:** Non-periodic increases may be granted to employees who clearly demonstrate service of an unusual and exceptional quality upon recommendation of the department head and approval of the City Manager. Non-periodic increases may not exceed one (1) per employee per fiscal year.
 2. **Termination Checks**
 - a. **Pick Up:** Termination checks will be distributed to the terminated employee at the Human Resources Department.
 - b. **Releasing Paychecks:** The City shall release the employee's final paycheck on the next payday.
 - c. **City Property:** Departments are responsible for obtaining all City property. The City, with employee preauthorization, may deduct for any unreturned property from the employee's last paycheck.
 - d. **Mailing Check:** Terminated employees who are unable to pick up their final check in person must inform the Human Resources Department of this situation and make arrangements for the final check to be sent to them via registered mail. Prior to release of all final checks, the terminated employee must have returned all City property to employee's designated department or authorized the deduction of an amount sufficient to reimburse the City. The employee is responsible for ensuring that the address on file with the Human Resources Department is current.
 - e. **Involuntary Discharge:** All employees who are discharged involuntarily shall receive all wages due them six (6) days after the date of termination. All employees who voluntarily leave employment with the City shall be paid on the next regularly scheduled payday.

VIII. DISTRIBUTION OF PAYROLL CHECKS

1. **Release of Employee's Check:**
 - a. **Designated Individual:** May pick up a current employee's paycheck if the employee specifies in writing that the person may do so. The designated individual, if unknown to the party authorized to release the check, will be required to provide valid photographic identification.

**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.I 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.II.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 [Chapter 8.II.1.f].

**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.IV].

**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.

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 39

CHAPTER 12 COMPLAINT RESOLUTION PROCEDURE

I. INFORMAL COMPLAINT RESOLUTION

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. Employees should handle conflicts informally by discussing the situation with their immediate supervisor. Any and all issues should be discussed freely between employees and supervisors. Therefore, supervisors are encouraged to have an open door policy with their employees to listen to issues and resolve them informally. Employees should follow the chain of command using these steps to resolve conflicts informally.

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.

Step 3

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

II. FORMAL COMPLAINT PROCEDURE

When informal efforts do not satisfactorily resolve the situation, then employees may follow a formal complaint resolution procedure.

Step 1

Request a meeting with the department head and present the formal complaint in writing. The department director will respond to the employee's complaint, in writing, within 10 business days. If the department director should require additional time to conduct an investigation, the employee will be informed.

Step 2

If a complaint has not been satisfactorily resolved the employee may request that the department director forward the complaint to

the person in City Management to whom the director reports.

The department director should forward the complaint within 10 calendar days. All complaints forwarded to City Management shall be in writing, clearly stating the employee's concern and the relief the employee is seeking. A copy of the department director's written response should be sent along with the employee's complaint. City Management will review the written complaint, and any action taken by City Management shall be considered final.

III. CHAIN OF COMMAND

An employee is 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 that have not followed the chain of command will be referred to the proper level in the department for processing.

IV. 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.

V. ACTIONS EXCLUDED FROM THE FORMAL COMPLAINT PROCEDURE

The following actions are excluded from the complaint procedure:

1. Performance evaluation
2. Other actions for which specific resolution procedures are provided elsewhere in this policy and procedures manual

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 40

CHAPTER 12 COMPLAINT RESOLUTION PROCEDURE

VI. 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.

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 41

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. **Required Medical Exam:** 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. When the urgency of medical

treatment requires an emergency room visit, the employee shall be examined by the City's preferred medical provider as soon as medically feasible.

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 approved by the Texas Workers' Compensation Commission for 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 15.XVII) or injury absence without pay - FMLA. 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.VI] during said absence unless found to have violated the provisions of this policy or found to have 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.VI "Salary

CHAPTER 13
EMPLOYEE SAFETY AND HEALTH

- 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.VI).
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.VI “Salary Supplement Payments” and the City’s vacation and sick leave policies. Upon exhausting injury absence, employees may use their remaining accumulated sick and vacation leave, as well as any accumulated compensatory time. Sick and vacation leave balances will be deducted at a rate of one lost day due to injury to one day deducted from accumulated sick or vacation leave.
6. Modified Duty: For each incident, modified duty may not exceed six months or 180 calendar days. (See Section 13.7). Modified duty will run concurrent with injury absence.
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. Absent the City Manager’s written approval, no employee’s injury absence may be extended. Employees not eligible to receive salary supplement will not be considered for an injury absence extension. To qualify for injury 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. Net pre-injury wage is defined as gross wage (excluding overtime) less deductions for Texas Municipal Retirement System, Social Security, Medicare/FICA, and Federal Income Tax Withholding. Salary supplement payments will not exceed 26 weeks for each injury. Only workers who are on injury absence and are in compliance with this policy are eligible for salary supplement payments.

- 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 for disciplinary action in accordance with Chapter 8.

**CHAPTER 13
EMPLOYEE SAFETY AND HEALTH**

- 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 fails to report an injury in compliance with this policy.
 - k. 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.
 - l. If employee submits a claim which is denied by the City's Workers' Compensation administrator.
 - m. If employee refuses to cooperate with City administration in ascertaining facts, information, and requests concerning the status of the injured employee.
 - n. If employee fails or refuses to take any post-accident drug or breath alcohol test.
 - o. If employee sustains an injury ruled "chargeable" by the Incident Review Committee.
 - p. 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 modified-duty assignment will be approved only when the following conditions and responsibilities are met:

**CHAPTER 13
EMPLOYEE SAFETY AND HEALTH**

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."

**IX.
EMPLOYEE APPEAL TO
INCIDENT REVIEW APPEAL BOARD**

Employees receiving a formal notice of a "chargeable" decision by the Risk Manager and the department head may request an Incident Review

CHAPTER 13
EMPLOYEE SAFETY AND HEALTH

Conference with the Incident Review Appeal Board. The appeal must be in writing and made within 10 calendar days of receipt of the formal notice and filed with the Director of Human Resources. The City's Incident Review Boards are established to determine the causes and assess the responsibility of injury and vehicle accidents. Furthermore, the Boards 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 the department head, the Risk Manager, two (2) supervisors not in the appealing division and one (1) supervisor in the appealing division; each shall be a voting member. In the event the department does not have sufficient members to create an appropriate board, the Human Resources director shall serve or appoint substitutes.
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 and shall be final.
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.

X.
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 driver standards listed below apply to all positions classified as "primary drivers" or where essential 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 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.

CHAPTER 13
EMPLOYEE SAFETY AND HEALTH

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 or any vehicle on City business 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 driver's 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.V.3. Post-Accident drug screens for CDLs, see Chapter 16.VI.7.

**CHAPTER 14
RETIREMENT**

**I.
MEMBERSHIP**

All regular full-time and eligible part-time employees of the City are required to become members in the Texas Municipal Retirement System (TMRS).

**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, except if prior service was at another TMRS city requiring 25 years of service at the time of retirement.

**IV.
BENEFITS**

Each pay period, 7% of full time and eligible part-time employee's gross salary is withheld and deposited with TMRS. Member deposits to TMRS are tax-deferred. For every month a deposit is made to TMRS, the City agrees to match the deposit and interest at a rate of 2-1. The City's match of the deposits and interest is held in the City's TMRS account until retirement, when the City match becomes part of the benefit. The only way to receive the City's matching fund is to retire from TMRS and receive a monthly payment. 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, which payment plan options the member selects and other factors.

**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.

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 48

CHAPTER 15 EMPLOYEE BENEFITS

I. DEFINITION

1. **Days:** All references in this chapter to the term "days" shall mean eight (8) hours for employees who work a 40-hour workweek, or 12 (12) hours for employees who work a 56-hour workweek (firefighters).

II. HOLIDAYS

1. **City Observed Holidays**

Regular and probationary full-time employees are paid eight (8) hours of holiday pay regardless of whether they work 8-, 10- or 12-hour days when based on a 40-hour workweek.

 - 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.

III. 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. **Accruing Vacation:**
 - a. **Less Than Five Years:** Regular full-time employees 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.
 - c. **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.
 - d. **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.
3. **Payment for Accumulated Vacation:**
 - a. **Good Standing:** Classified full-time employees leaving the service of the City in good standing following one (1) year of full-time continuous service, shall be paid for accumulated vacation leave not to exceed twenty (20) working days. The vacation record of a

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 49

CHAPTER 15 EMPLOYEE BENEFITS

- 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 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.
4. **Using Vacation Leave:**
- a. Balances Deleted: Employees are encouraged to use a substantial portion of their vacation leave each year. Vacation leave will be calculated at the end of each calendar year, and excess balances will be deleted based on the number of vacation days earned per year according to the following schedule:
- | | |
|---------------------|----------------------------------|
| 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:
- 1) Vacation shall begin accruing upon appointment, but may not be used until successful completion of the probationary period.
- 2) Vacation does not accrue for non-paid absences.
- 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: No 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.
5. **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

CHAPTER 15
EMPLOYEE BENEFITS

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 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.

IV.
SICK LEAVE

- 1. **Sick Leave Accumulation**
 - a. Accrual: 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.

**CHAPTER 15
EMPLOYEE BENEFITS**

- An employee who enters the service before the sixteenth (16th) of any month shall earn one and one-quarter (1-1/4) day's sick leave for that month.
- b. No Accrual: Temporary, seasonal, and part-time employees shall not accrue sick leave benefits. Sick leave does not accrue for non-paid absences.
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.
 - b. Care of Family Members: A maximum of 40 hours of sick leave per calendar year may be used for the care of an eligible family member with a serious illness, injury, surgery, hospitalization, contagious disease, emergency medical treatment or care for an illness requiring the presence of a family member. For the purpose of using sick leave, an eligible family member shall be the employee's child, stepchild, parent, stepparent or spouse. A child is defined as a biological child, adopted child, foster child, stepchild or child for whom an employee is standing in *loco parentis*.
 - c. 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.
 - d. Signed Statements: Departments may require an employee to provide a signed statement from a physician attesting to the illness of the employee or family member 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.
 - e. Restrictions: Sick leave may be granted in periods of not less than fifteen-minute (15) increments.
 - f. 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.
 - g. Probationary Period: Sick leave may be used as accrued during the probationary period.
 - h. 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, except for employees who have given notice to terminate or retire. 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:

**CHAPTER 15
EMPLOYEE BENEFITS**

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 Buyback: Employees seeking re-employment will be required to have the sick leave reinstated through a buyback from the City any sick leave payments received at the time of termination. Employees who are rehired following a layoff have the option to reinstate sick leave through a buyback or forgo sick leave reinstatement and begin a new sick leave accrual. Terms of the repayment will be negotiated on an individual basis and documented in writing in the employee's official Human Resources file.
- c. 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 sick leave for that month.

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

The following information is a summary of health benefits currently provided by the City of Mesquite. 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. Application for inclusion in the health benefits and prescription plans must be made within the first 30 days of

employment. Benefits become effective 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 and prescription coverage plan upon request by the employee. Newly-appointed employees may add dependents within thirty (30) calendar days of their appointment date.
 - c. Annual Open Enrollment: An annual open enrollment period will be held for those employees who wish to enroll in the medical plan, make changes to the medical plan or add/delete dependents without the qualifying event requirement.
- 2. **Payment for Health Benefit Coverage:**
 - a. Employee and Dependent Premiums: A portion of employee and dependent premiums shall be paid by the employee with the City subsidizing the remaining amount. Employee and dependent premiums shall be paid through payroll deductions.
 - 3. **Changing Dependent Coverage:**

The Human Resources Department is responsible for processing all changes in the health coverage plan. It is the employee's responsibility to fill out the necessary paperwork and provide appropriate documentation in order to add or delete a dependent from their health coverage plan. All changes must be made within the 30 calendar days of the change of status.

 - a. Change in status: If an employee has a change in status or needs to add or delete a dependent from the health plan, the change must be made within 30 calendar days of the change in status date. A change in status is considered a qualifying event that allows changes to be made during this special enrollment period. A change in status is defined as:
 - 1) Change in legal marital status due to marriage, death of a spouse, divorce annulment or legal separation;

CHAPTER 15
EMPLOYEE BENEFITS

- 2) Change in the number of dependents due to birth, adoption, placement for adoption or death of a dependent;
3) Change in employment status of the employee, spouse or dependent due to termination or start of employment, strike, lockout, beginning or end of unpaid leave of absence, including Family and Medical Leave Act (FMLA) or change in worksite;
4) Changes in employment status of employee, spouse or dependent resulting in eligibility or ineligibility for coverage;
5) Change in residence of employee, spouse or dependent; and
6) Changes that cause a dependent to become eligible or ineligible for coverage.
b. Newborns. A dependent child born while the employee is insured under the health plan will be insured for 31 days beginning on the date of the child's birth. If the employee does not elect to make application to insure the newborn child within the 31 days of the child's birth, coverage for that child will end on the 31st day. No benefits for expenses incurred beyond the 31st day will be payable.
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 may continue the health benefits and prescription plan for which the employee was enrolled

- immediately prior to retirement until eligible for Medicare at a premium charge to be determined annually. Dependents covered by the employee's health benefits immediately prior to retirement may continue such benefits at a premium charge to be determined annually.
b. Medical Coverage for Medicare-eligible Retirees: Retired employees or dependents that become eligible for Medicare benefits may retain a health benefits and prescription plan by paying the required premium.
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.

VI. DENTAL

- 1. Eligibility and Enrollment:

CHAPTER 15
EMPLOYEE BENEFITS

- 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.

VII.
EMPLOYEE ASSISTANCE PROGRAM

- 1. **Description:** The Employee Assistance Program (EAP) is designed to provide employees and dependents with professional assistance in resolving difficult personal problems or issues such as job performance, marital difficulties, family issues, communication skills, managing depression and anxiety, child and elder care resources, parenting support, anger management, legal and financial issues, grief and bereavement, self-improvement plans, smoking cessation, weight loss, time management, stress management, personal concerns and career management.
- 2. **Eligibility:** All employees, retirees and dependents are eligible for EAP services.
- 3. **Participation:**
 - a. Confidential: Individual, voluntary involvement in the EAP is confidential.
 - b. Participation: Participation may occur through self referral, supervisory referral and/or medical referral.
- 4. **Benefits:** The EAP provides up to six (6) visits with a licensed counselor per incident per member. Continuing mental health or substance abuse requiring medical attention or hospitalization must be accessed through an existing health plan.
- 5. **Using the Employee Assistance Program:** Employees, retirees and dependents experiencing personal and/or psychological

problems may call the Employee Assistance Program twenty-four-hour help line to speak to a counselor or to arrange a confidential appointment regarding a variety of personal, psychological, substance abuse or family-related issues.

VIII.
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 employees covered by TMRS may be eligible for death benefits through the Texas Municipal Retirement System.

IX.
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 with the City. Annual enrollment periods occur in December of each year.

CHAPTER 15
EMPLOYEE BENEFITS

- c. **Plan Year:** Plan years are on a calendar-year basis beginning January 1 and ending December 31. However, under the Internal Revenue code grace period rule, expenses may be incurred through March 15 of the following plan year.
 - d. **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 that 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, including expenses incurred during the grace period. Reimbursements for the plan year may be submitted up to June 15 of the next plan year. On June 16,

any of the previous plan year's Tax Saver dollar credits remaining in the participant's Medical care reimbursement or Dependent care expense accounts will be forfeited as mandated by the Internal Revenue Code.

X.
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) 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 workday.
- 5. **Retirement Health Savings Plan:** Eligible employees may participate in a tax-free preferred investment plan dedicated to funding medical expenses during retirement.

CHAPTER 15
EMPLOYEE BENEFITS

- a. Eligibility: All full-time and part-time employees designated to work 1,000 hours or more a year are eligible to participate in the RHS plan. Employees must complete six months of service prior to becoming eligible to participate.
b. Contributions:
1) Elective Pre-Tax Contributions from Gross Wages - Employees may voluntarily make elections from gross wages. The amount elected and contributed may be up to 25% of earnings for the plan year. Elections must be made in whole percentages.
2) Elective Pre-Tax Contributions of Accrued Leave - Employees may elect to contribute a portion or all of accrued vacation and sick leave at the time of retirement. Limits are subject to 720 sick leave hours and 160 vacations hours. This election must be made at least one year prior to retirement.
c. Vesting Schedule: Employees are vested at 100% of employee's contributions at all times. The City's contribution will become vested at the time of retirement, as defined by TMRS.
d. Investment Options: See the plan document for investment options, administration fees and asset fees.
e. Irrevocable Options: Once employees elect to make pre-tax contributions, employees are not able to alter the amount or discontinue contributions.

(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.
3. Preauthorization Deductions: Employees who have pre-authorized payroll deductions will have money deducted on their final paycheck for unreturned uniforms, equipment or other obligations.

XII. PERSONAL 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 based on a 40-hour work week, for the following reasons:
a. Death or funeral of family member: To attend the funeral or handle the affairs of the deceased family member. Family member shall include family, extended family, or person who served in "loco parentis."
b. Uncontrollable Property Damage: Damage caused by "acts of God", fire, flood, tornado, explosion, vandalism, car wrecks, water damage 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.

XI. PAYROLL

- 1. Payroll Deductions: Regular full-time employees may have deductions withheld from their biweekly paycheck for all approved benefit programs, City association dues

CHAPTER 15
EMPLOYEE BENEFITS

- 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 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 a notice for re-employment is made within ninety (90) days following termination of service with the Armed Forces. 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 that 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.

CHAPTER 15
EMPLOYEE BENEFITS

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 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.

XVII.
FAMILY AND MEDICAL LEAVE

1. **Purpose**
To provide employees with paid or unpaid leave as a result of a personal illness or injury or to provide necessary care for an ill or injured family member. The FMLA may provide up to 12 weeks of paid/unpaid leave in accordance with the Family and Medical Leave Act of 1993.

2. **Definitions**

- a. **Eligible Employee:** An employee who has been employed with the City of Mesquite for at least 12 months. The employee must have worked at least 1,250 hours of service during the previous 12-month period.
- b. **12-Month Period:** A rolling 12-month period measured backward from the date leave is taken and continuous with each additional day leave is taken.
- c. **Hours of Service:** Hours of service will be determined by applying Section 7 of the Fair Labor Standards Act.
- d. **Immediate Family Member:** An employee's spouse, son, daughter, or parents.
- e. **Son or Daughter:** A biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*, who is (1) under 18 years of age, or (2) 18 years or older and incapable of self care because of a mental or physical disability.
- f. **Parent:** A biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter.
- g. **Spouse:** A husband or wife as defined or recognized under state law for purposes of marriage, including common-law marriage in states where it is recognized.
- h. **Serious Health Condition:** An illness, injury, impairment, or physical and medical condition requiring:
 - 1) *Inpatient care* in a hospital, hospice, or residential, medical-care facility or
 - 2) *Absence Plus Treatment.* Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a healthcare provider; or
 - 3) *Pregnancy.* Any period of incapacity due to pregnancy or prenatal care by a healthcare provider.

CHAPTER 15
EMPLOYEE BENEFITS

- 4) *Chronic Conditions Requiring Treatment.* A chronic condition that:
 - Requires periodic visits or treatment by a health care provider,
 - Continues over an extended period of time and
 - May cause intermittent, rather than a continuing, period of incapacity.
 - 5) *Permanent/Long-Term Conditions Requiring Supervision.* A period of incapacity that is permanent or long term for which a treatment may not be effective.
 - 6) *Multiple Treatments for Non-Chronic Conditions.* Any period of absence to receive multiple treatments by a health care provider either for a restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacitation of more than three (3) consecutive calendar days.
 - i. Accrued Leave: The balance of leave on the books at the time leave begins.
 - j. Continuing Treatment:
 - 1) Two or more visits to a healthcare provider; or
 - 2) Two or more treatments by a healthcare practitioner on referral from, or under the direction of, a healthcare provider, or
 - 3) A single visit to a healthcare provider that results in a regimen of continuing treatment; or
 - 4) In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a healthcare provider.
 - k. Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which he or she practices. Anyone determined by the secretary of labor to be capable of providing healthcare services will also qualify as a healthcare provider. Included are: 1) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct subluxation as demonstrated by X-ray to exist) authorized to practice in the state; 2) nurse practitioners and midwives who are authorized to practice in the state; and 3) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Mass.
 - l. Certification: An employee who requests leave because of a serious health condition or to care for a spouse, child, or parent with a serious health condition may be required to support the leave request with a certification issued by a healthcare provider.
3. **Coverage and Eligibility**
 - a. To be eligible for family/medical leave an employee must:
 - 1) have worked for the City of Mesquite for at least 12 months; and
 - 2) have worked at least 1,250 hours over the previous 12-month period.
 4. **Types of Leave**
 - a. Eligible Circumstances: Eligible employees are entitled to 12 weeks of leave per year for:
 - 1) birth of the employee's son or daughter and care of the infant;
 - 2) placement of a son or daughter with the employee for adoption or foster care;
 - 3) care of a spouse, son, daughter, or parent of the employee if the spouse, son, daughter, or parent has a serious health condition; or
 - 4) employee's own serious health condition which makes the employee unable to perform the functions of his or her job.

**CHAPTER 15
EMPLOYEE BENEFITS**

- b. Birth, Adoption, or Foster Care: Leave for the birth, adoption, or placement of a foster child must be taken within 12 months of the birth or placement.
 - c. Spouses Both Employed by the City: Spouses both employed by the City are jointly entitled to a combined total of 12 weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.
 - d. Paid and Unpaid Leave: Employees will be required to use eligible paid or accrued leave, including but not limited to workers' compensation, sick leave, vacation leave, and compensatory time before unpaid leave will begin. The total of paid and unpaid leave may not exceed 12 weeks per 12-month period. Paid leave will be administered in the following manner:
 - 1) Paid leave for an employee's serious illness: Accrued sick leave must be used first, vacation leave must be used after all accrued sick leave has been exhausted, and any accrued compensatory time must then be exhausted. All leave taken under workers' compensation will be counted as family/medical leave and takes precedence over any accrued leave usage. Once all paid leave is exhausted, unpaid leave may be taken for a combined total of paid and unpaid leave of up to 12 weeks of absence in a 12-month period.
 - 2) Paid leave for serious illness of a spouse, son, daughter, or parent: Emergency leave must be used first, followed by accrued vacation leave and accrued compensatory time. Once all vacation and compensatory time is exhausted, unpaid leave may be taken for a combined total of paid and unpaid leave for up to 12 weeks of absence in a 12-month period.
 - e. Intermittent or Reduced Leave:
 - 1) An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced-leave schedule to care for an eligible family member with a serious health condition or because of a serious health condition of the employee, when medically necessary.
 - 2) The smallest increment of time an employee may request is one hour.
 - 3) An employee may take intermittent or reduced leave for birth, adoption, or placement of a foster child only with the department's approval.
 - 4) Where intermittent or reduced leave must be provided, the employee may be required to temporarily transfer to an available alternative position which provides equivalent pay and benefits, if the alternative position better accommodates the intermittent or reduced work schedule.
5. **Leave Requests**
- a. Supervisor Responsibility:
 - 1) Supervisors are required:
 - To refer all requests for leave which appear to conform to the guidelines for family/medical leave to the Human Resources Department to determine eligibility for family/medical leave.
 - To inform Human Resources of employee absences for a serious health condition more than three days long.
 - To submit original requests for leave and requests for extension of leave to the Human

CHAPTER 15
EMPLOYEE BENEFITS

- Resources Department no later than two (2) workdays following departmental notification of the request.
- 2) All requests for unpaid leave must be referred to the Human Resources Department.
 - 3) Departments are responsible for properly coding leave in the time reporting system as paid or unpaid family/medical leave.
 - 4) All medical information received by the department must be forwarded to the Human Resources Department marked *Personal and Confidential* to be filed.
 - 5) Supervisors who do not comply with this policy will be subject to disciplinary action.
- b. Employee Responsibility:
- 1) Employees are required to give 30 days' notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form must be completed by the employee and returned to the Human Resources Department. In unexpected or unforeseen situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" form.
 - 2) An employee who fails to give 30 days' notice for a foreseeable leave, with no reasonable excuse for the delay may be subject to disciplinary action.
 - 3) An employee must attempt to schedule treatment so that it will not unduly disrupt the employer's operation for leave which is needed for care of an immediate family member or the employee's own illness and is planned, medical treatment.
- 4) Employees on leave must report their current status (via telephone) to their department supervisor weekly or as designated by their supervisor, taking into consideration the employee's health status.
- c. Human Resources Responsibility
- 1) The Human Resources Department is responsible for determining all employee leaves of absence that may meet the qualifications of the FMLA.
 - 2) Human Resources Department may designate FMLA leave, even if there's no formal employee request, as long as the employee is notified.
6. **Certification of Medical Leave**
- a. Employees using family/medical leave may be required to supply a completed "Certification of Health Care Provider" form supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Leave or continuation of leave may be denied if certification is not received.
 - b. The City may require additional medical opinions at the City's expense.
 - c. The City may require periodic recertification of the employee's or family member's serious health condition.
 - d. All medical information related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.
 - e. Employees may not perform work for other employers or self-employment while using family/medical leave.
7. **FMLA Leave and Benefits**
- a. Accrual of Benefits: Benefits typically accrued by employees, including but not limited to vacation leave and sick leave, will cease accruing during family/medical leave

CHAPTER 15
EMPLOYEE BENEFITS

- if a non-paid code is being given for employee's absence. The employee will continue to accrue benefits if their absences are assigned a pay code.
- b. Continuation of Health Care Coverage under the Group Medical Plan: Coverage under the City's Group Medical Plan and Group Term Life Insurance will continue in the same manner they would have had the employee been continuously at work during the leave period.
- 1) Premium payments normally made by the employee must continue to be paid by the employee while on family/medical leave. Employee premium amounts are subject to any change in rates that occurs while the employee is on leave.
 - 2) Premium payments that are more than 30 days late will result in termination of coverage.
 - 3) The City will seek reimbursement of premium payments made (during the period of leave) by the City for the employee's insurance coverage if the employee does not return to work from family/medical leave for reasons other than 1) the continuation of a serious health condition of the employee or a covered family member or 2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason).
- c. An employee may not be penalized for using family/medical leave. Unacceptable actions include reducing incentive pay, base pay, longevity pay, and giving poor performance reviews due to the family/medical leave.
8. **Job Reinstatement**
- a. An employee who returns to work following family/medical leave will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status, and authority.
 - b. An employee who fails to return to work following family/ medical leave may be reinstated to his/her same or equivalent position, only if available, in accordance with applicable laws. If a same or similar position is unavailable, the employee may be terminated.
 - c. The Human Resources Department may require the employee to see a physician for a "fitness-for-duty" determination.

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

**I.
SCOPE**

1. Applicants for employment or current employees in specific safety-sensitive positions within departments that service, support and operate equipment to transport citizens, as all or part of their duties, are governed by specific drug and alcohol policies and procedures.

These employees fall under regulations governed by the United States Department of Transportation (DOT), and the Federal Transit Administration (FTA), a DOT agency.

Copies of these policies and procedures are available in the affected departments.

2. All other applicants for employment and current employees are governed 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 that 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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 64

CHAPTER 16 CONTROLLED SUBSTANCE AND ALCOHOL ABUSE AND TESTING POLICY

- to understand and implement guidelines for disciplinary action.
- The Director of Human Resources has the sole authority to develop and adopt procedures for drug and alcohol testing.

- No employee shall report to work with the odor of alcohol on his or her breath.

III. ALCOHOL/CONTROLLED SUBSTANCE USE

- 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.
- Use of illegal substances or controlled substances without a prescription, any time, on or off the job or on work premises is subject to disciplinary action, up to and including termination.
- 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 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.
- 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.

IV. EMPLOYEE RESPONSIBILITIES

- 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.
- 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.
- 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

- Conditions Applicable to all Testing**
 - The Human Resources Department is responsible for the administration of the drug screenings process. All inconclusive results, all positive results and all results that appear to have been altered will be reviewed by a Medical Review Officer (MRO).
 - Samples for drug screening may include, but are not limited to, bodily fluids and hair.
 - Any person who tampers with or attempts to tamper with a specimen in

CHAPTER 16
CONTROLLED SUBSTANCE AND
ALCOHOL ABUSE AND TESTING POLICY

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 MRO would be potentially harmful to the safety of the person being tested, or others.
- e. All positive 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.
- 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 will be required to submit to a routine physical examination, including a drug and/or alcohol test.

- a. Prior to reporting to the designated location for a medical exam, all applicants shall be required to sign a written consent form authorizing testing 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 communicated in a confidential manner to the Director of Human Resources or his designee. 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.

- 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 that 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.
 - h. Employees who have an accident while driving personal or rental vehicles on City business will be subject to testing for motor vehicle accidents as described above.
 - i. In the event of an out-of-town accident, while on City business, the driver shall immediately notify their supervisor.

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

The supervisor shall contact Human Resources to arrange for drug testing at the remote location.

4. Procedures for Post-Vehicle or Motorized Equipment Accident Testing

- a. The employee(s) involved in the accident and/or the first employee(s) from the department who arrive 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 Assistant City Manager shall be notified of the accident.
- b. The employee(s) involved in the accident and any employee who may be a contributing factor to the accident shall be prohibited from working or continuing to work until reporting a City-approved testing facility.
- c. The sample for drug or alcohol testing shall be collected as soon as possible, but no later than four (4) hours after the accident.
- d. A supervisor or a designated person shall take the employee off the worksite and drive him or her to the City-approved testing and collection site. Under no circumstances will the employee be allowed to drive to the City-approved testing and collection site. (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 sample for testing will be given at the hospital laboratory, if possible).
- e. If the employee, in the judgment of medical professionals, exhibits physical

and/or emotional impairments such that his or her safety or the safety of others could be in jeopardy, the employee will not be allowed to return to work. If the results of the employee being tested are positive, inconclusive or appear to have been altered, the supervisor or a designated person shall arrange for the employee to be driven home

- f. Refusal to submit to a post-accident drug or alcohol test will be grounds for termination.
- g. An employee may be placed on leave with pay during an investigation surrounding the circumstances of an accident leading to a drug and alcohol test. The investigation will be conducted by the Human Resources Director 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 or 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 than 8 hours after the employees are notified to appear, unless extenuating

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

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 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 that 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 that 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 a sample to the testing facility.

- d. The supervisor or a designated person will drive the employee to a City-approved collection site. 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 test results are negative. If immediate test results are positive, inconclusive or appear to have been altered, the supervisor or designated person shall arrange for the employee to be driven home.
- f. An employee may be placed on leave with pay until drug and alcohol testing results are confirmed by an MRO.
- 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.

7. Post-Injury Testing

Drug/alcohol testing will be required of employees following on-the-job injuries in any of the following circumstances:

- a. A claim of bodily injury while on duty that requires medical treatment;
- b. A bodily injury to a third party (another employee or bystander) whereby it is determined that an employee's actions or inaction(s) is a contributing factor to the accidental injury of another person.

**VI.
REQUIRED TESTING**

Safety-sensitive employees who drive motor vehicles, excluding public safety personnel, are subject to the requirements of this section

- 1 **Alcohol Prohibitions:** The rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 68

CHAPTER 16 CONTROLLED SUBSTANCE AND ALCOHOL ABUSE AND TESTING POLICY

- 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.
2. **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.
3. **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.
4. **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.
5. **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.
6. 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 test. That person's decision will be based on the best information available at the time.
7. **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

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

- 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.
8. **Random Testing:**
Refer to Chapter 16.V.5.
9. **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.
10. **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 drugs is necessary for that particular driver.
11. **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.
12. **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 of obtaining information that ensures confidentiality.

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

- 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.
- 13. An applicant who refuses to sign an information release form will not be considered for employment.
- 14. **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.
- 15. **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.

**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.

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

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**

Employees who test positive for drugs or alcohol will be subject to disciplinary action, up to and including termination.

**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 outpatient, 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 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 rehabilitation will not necessarily prevent disciplinary action, up to and including discharge or indefinite suspension.
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 and alcohol test administered by the collection site personnel. Additionally, 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 is required.
 - 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 at a City-approved facility for evaluation by the professional staff.
 - d. An employee will be required to submit to unannounced drug and alcohol testing as determined by designated medical professionals, in conjunction with the Human Resources Department.

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 72

CHAPTER 16 CONTROLLED SUBSTANCE AND ALCOHOL ABUSE AND TESTING POLICY

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 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

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

- 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 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.
 18. "Inconclusive Result" refers to any test result that is neither negative nor positive due to a variety of factors, including but not limited to lack of adequate sample material (volume to be tested); temperature of sample and/or quality of a submitted sample.
 19. "Positive Result" refers to any test result that indicates "Positive" for substances of abuse and/or related metabolites.
 20. "Altered Result" refers to any test result or indicators that suggest a sample has been adulterated with masking agents to otherwise obscure or change the outcome.

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 74

CHAPTER 17 PERFORMANCE REVIEW

I. PURPOSE

The purpose of evaluating an employee's performance is to identify whether the employee is meeting job requirements and to provide a time for structured feedback to the employee. Performance review is a continuous communication process between the employee and supervisor. Formal periods involving written evaluations 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.III.1, 2 and 3.

IV. ANNUAL PERFORMANCE REVIEWS

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

1. **Submission of Evaluation:** Supervisors shall submit a performance review through the Performance Management System 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 a completed performance review prior to the effective date of the increase. Employees must be rated "Fully Successful" or above on all rating categories to be 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.

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

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 75

CHAPTER 17 PERFORMANCE REVIEW

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.

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page 76

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 an 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: January 2007

Page I

INDEX

<u>TOPIC</u>	<u>SECTION</u>	<u>PAGE</u>
ACCEPTANCE OF APPLICATIONS	4.8	10
ACKNOWLEDGEMENT OF POLICY AND FAILURE TO COMPLY	16.8	70
ACTIONS EXCLUDED FROM THE COMPLAINT PROCEDURE	12.5	39
ADDITIONAL INFORMATION, RETIREMENT	14.5	47
ADMINISTRATIVE INQUIRY	8.6	24
ADMINISTRATIVE INVESTIGATION - HARASSMENT	18.7	77
ALCOHOL/CONTROLLED SUBSTANCE ABUSE	16.3	64
ANNUAL PERFORMANCE REVIEWS	17.4	74
APPEAL FROM DISCIPLINARY ACTION	8.7	24
APPEAL OF PERFORMANCE EVALUATION	17.7	74
APPLICANT AND EMPLOYEE MOTOR VEHICLE/EQUIPMENT OPERATOR STANDARDS	13.10	45
APPLICANT PROCESSING	4.11	10
APPLICANT TESTING	4.10	10
APPROVED LEAVE WITHOUT PAY	15.16	58
ASSISTANCE TO EMPLOYEES (ALCOHOL/SUBSTANCE ABUSE)	16.12	71
BENEFITS - RETIREMENT	15.10	55
BENEFITS, DEFINITION (EMPLOYEES)	15.1	48
BENEFITS, RETIREMENT	14.4	47
CITY-APPROVED LABORATORY	16.9	70
CLASSIFIED APPOINTMENT	1.8	2
CLASSIFICATION PLAN	9.1	27
CLASSIFICATION PLAN ADMINISTRATION	9.2	27
COMPENSATION DEFINITIONS	10.1	29
COMPENSATORY TIME	10.3	30
COMPLAINTS, CHAIN OF COMMAND	12.3	39
COMPLAINTS, TIME LIMITATIONS	12.4	39
COMPLETION OF PROBATION/INTRODUCTORY PERIODS	6.2	15
CONDITIONS FOR DRUG OR ALCOHOL TESTING IS TO BE CONDUCTED	16.5	64
CONDUCT, STANDARDS OF	8.1	18
CONFIDENTIALITY - HARASSMENT	18.6	77
CONFIDENTIALITY OF INFORMATION (DRUG TESTING)	16.10	70
CONFIDENTIALITY OF RECORDS	2.7	3
CONSEQUENCES OF A POSITIVE TEST	16.11	71
CONTROLLED SUBSTANCE AND ALCOHOL ABUSE AND TESTING POLICY - SCOPE	16.1	63
COURT LEAVE	15.15	58
CURRENCY OF RECORDS	2.6	3
DEATH BENEFITS	15.8	54
DEFINITION - HARASSMENT	18.2	76
DEFINITIONS (DRUG/ALCOHOL)	16.17	72
DEMOTION	7.3	17
DENTAL	15.6	53

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page II

INDEX

DISCIPLINARY ACTION - HARASSMENT	18.8	77
DISCIPLINARY ACTION (CODE OF CONDUCT)	8.4	22
DISTRIBUTION OF PAYROLL CHECKS	10.8	37
DOCUMENTATION	6.3	15
DUAL EMPLOYMENT	4.6	9
DUPLICATION OF RECORDS	2.5	3
EDUCATIONAL LEAVE	15.14	57
ELECTRONIC MAIL AND INTERNET	3.2	4
ELIGIBILITY FOR RETIREMENT	14.3	47
EMERGENCY OPERATIONS POLICY	3.3	5
EMPLOYEE APPEAL TO INCIDENT REVIEW APPEAL BOARD	13.9	44
EMPLOYEE ASSISTANCE PROGRAM	15.7	54
EMPLOYEE DRUG CONVICTIONS	16.14	72
EMPLOYEE PRIVACY	2.3	3
EMPLOYEE RECORDS	2.1	3
EMPLOYEE REFERENCES	4.15	11
EMPLOYEE RESPONSIBILITIES (ALCOHOL/CONTROL SUBSTANCE ABUSE)	16.4	64
EMPLOYEE RESPONSIBILITY - HARASSMENT	18.4	76
EMPLOYEE SEARCH POLICY	16.15	72
EMPLOYMENT APPLICATIONS	4.8	9
EMPLOYMENT CATEGORIES	1.9	2
EMPLOYMENT INTERVIEWS	4.12	10
EQUAL EMPLOYMENT OPPORTUNITY	4.1	7
EVALUATION FORMS	17.5	74
EVALUATION FORMS AND PROCEDURES	17.2	74
EVALUATION TRAINING	17.6	74
EXAMINATION AUTHORITY (EMPLOYMENT)	5.1	13
EXAMINATION METHODS (EMPLOYMENT)	5.2	13
EXAMINATION PROCEDURES (EMPLOYMENT)	5.3	13
FAILURE TO REPORT INJURY OR ILLNESS	13.3	41
FAIR LABOR STANDARDS ACT STATUS, DETERMINATION OF	10.2	29
FAMILY AND MEDICAL LEAVE	15.17	58
FORMAL COMPLAINT PROCEDURE	12.2	39
FORMER EMPLOYEES	4.4	7
GROUNDS FOR DISCIPLINARY ACTION/TERMINATION	8.2	19
GROUNDS FOR NON-DISCIPLINARY TERMINATION	8.3	22
HARASSMENT - POLICY	18.1	76
HEALTH BENEFIT PLAN AND PRESCRIPTION PROGRAM	15.5	52
HOLIDAYS	15.2	48
HOURS SCHEDULED TO WORK	1.6	1
INCIDENT INVESTIGATIONS	13.8	44
INFORMAL COMPLAINT RESOLUTION	12.1	39
INJURY ABSENCE	13.5	41
JOB ABANDONMENT	11.6	38
JOB BIDDING	6.4	16
LAYOFF POLICY	8.5	23
MANAGEMENT RESPONSIBILITY - HARASSMENT	18.3	76
MEDICAL EXAMINATIONS	13.4	41
MILITARY LEAVE	15.13	57
MODIFIED DUTY	13.7	43
NEPOTISM RESTRICTIONS	4.3	7
OFFICIAL PERSONNEL FILE	2.2	3

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page III

INDEX

ORAL RESIGNATIONS	11.7	38
ORIENTATION	4.13	11
OTHER PAYROLL TIME DEFINITIONS	10.5	32
OVERTIME POLICY	10.3	29
PAY PLAN ADMINISTRATION	10.6	34
PAYROLL	15.11	56
PERFORMANCE REVIEW	10.7	36
PERFORMANCE REVIEW - PURPOSE	17.1	74
PERSONAL APPEARANCE AND DRESS POLICY	3.4	6
PERSONAL LEAVE	15.12	56
PERSONNEL BOARD	1.13	2
PERSONNEL FILE REVIEW	2.4	3
PHYSICALS	4.13	11
POLICIES & PROCEDURES MANUAL REVISIONS	1.3	1
POLICIES & PROCEDURES OBJECTIVES	1.4	1
POLICY MANUAL	1.1	1
POLITICAL ACTIVITY	1.10	2
POSITION APPOINTMENTS	4.13	11
POST-ACCIDENT DRUG TESTING	16.5	65
PROGRAM MANAGEMENT	13.1	41
PROMOTION	7.1	17
PURPOSE (OF ALCOHOL/DRUG TESTING POLICY)	16.2	63
PURPOSE OF PROBATION/INTRODUCTORY PERIODS	6.1	15
PURPOSE OF THIS MANUAL	1.2	1
RATING FREQUENCY	17.3	74
RECORDKEEPING	10.4	31
REJECTION OR DISCONTINUATION OF PROCESSING	4.5	7
REPORTING HARASSMENT	18.5	76
REPRISAL PROHIBITED (COMPLAINTS)	12.6	40
REQUIRED TESTING	16.6	67
RESERVATION OF RIGHTS	16.16	72
RESIDENCY REQUIREMENTS	4.14	11
RESIGNATION IN LIEU OF DISCHARGE	11.5	38
RESIGNATION WITHDRAWAL	11.3	38
RESIGNATION, ACCEPTANCE	11.2	38
RESIGNATION, FAILURE TO NOTIFY	11.4	38
RESIGNATIONS, NOTICE	11.1	38
RETIREMENT	11.8	38
RETIREMENT, MEMBERSHIP	14.1	47
SALARY SUPPLEMENT PAYMENTS	13.6	42
SICK LEAVE	15.4	50
SPECIAL PROVISIONS	16.13	72
TAX SAVER PROGRAM	15.9	54
TESTING PROCEDURES	16.7	70
TRANSFER	7.2	17
TRIAL BOARD	8.8	25
UNAUTHORIZED ELECTRONIC SURVEILLANCE, EAVES-DROPPING AND TAPE RECORDING	3.1	4
UNCLASSIFIED APPOINTMENT	1.7	1
VACANCIES	4.7	9
VACATIONS	15.3	48
VERIFICATION OF MINIMUM QUALIFICATIONS	4.9	10

City of Mesquite General Government Policies and Procedures Manual

Issued: January 2007

Page IV

INDEX

VESTING, RETIREMENT	14.2	47
WORKERS' COMPENSATION	13.2	41