



# City of Horseshoe Bay Personnel Policy

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# **ARTICLE I. INTRODUCTION**

## **Section 1        *Employment Relationship***

The employment relationship between the City of Horseshoe Bay (“City”) and the employee is terminable at the will of either at any time. No employee, officer, agent or representative of the City has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in this policy. Any exception to this policy of at-will employment must be expressly authorized in writing, approved by the City of Horseshoe Bay City Council (City Council) and executed by the officers designated by the City Council.

## **Section 2        *Not an Employment Contract***

This personnel policy is not a binding employment contract, but a set of guidelines that the City will follow for the implementation of personnel procedures. The City explicitly reserves the right to modify or revoke any of the provisions of this policy at any time with or without notice to employees. Notwithstanding any of the provisions within this policy, employment may be terminated at any time, either by the employee or by the City.

## **Section 3        *Purpose***

The purpose of this personnel policy is to establish a personnel system which will aid in the recruitment, selection, development, and maintenance of an effective and responsible work force. The City retains the right, in its sole discretion and at any time, to change, modify, suspend, interpret differently, or cancel, in whole or in part, any of its published or unpublished personnel policies or procedures even though not previously communicated to employees or reprinted or inserted in the Policy and Procedures Manual. Notice, although not required, of any such change to the published personnel policies or procedures may be posted in a place accessible to the employees prior to the effective date thereof.

## **Section 4        *Equal Employment Opportunity***

It is the policy of the City to provide equal employment opportunity without regard to race, color, sex, religion, national origin, age, or disability. The City conforms to all applicable federal and state laws, rules, guidelines and regulations and provides equal employment opportunity in all employment and employee relations.

The City assures that all applicants for employment and all City employees are given equal consideration based solely on job-related factors, such as qualifications, experience, performance and availability. Such equal consideration applies to all personnel actions, including but not limited to recruitment, selection, appointment, job assignment, training, transfer, promotion, merit increases, demotion, termination, pay rates and fringe benefits. The City reviews, evaluates and monitors all personnel matters to ensure that they are in accordance with this policy.

The City takes seriously and will investigate promptly and thoroughly all charges of alleged discrimination in employment, and informs City employees of their rights in regard to equal employment.

## **Section 5            *Drug-Free Workplace – Revised 06/18/2019***

The City is a drug free workplace. Applicants who are offered a position that has been designated by Human Resources as safety-sensitive must complete and pass a post-offer, pre-employment drug test. In order to ensure the continuation of its drug free status, the City will conduct drug and alcohol testing of its employees in accordance with the Drug and Alcohol Free/Drug Testing Policy (See Article IV, Section 2 for details).

## **Section 6            *Employment of Related Persons***

No individual may be employed by the City who is related within the third degree of consanguinity or second degree of affinity to an elected official.

No individual may be employed by the City who is related to an existing employee within the first or second degree of consanguinity or the first or second degree of affinity unless failure to do so would create a hardship in personnel recruitment. In this event, approval for hiring must be authorized by the City Council.

This policy applies to promotions, demotions, transfers, reinstatements and new appointments. Consanguinity and affinity are defined in the Appendices, Appendix A.

## **Section 7            *Conformance to Immigration Requirements***

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed Federal form I-9, and supporting documentation, shall be kept on file as required by Federal law.

## **Section 8            *Business and Management Philosophy***

The business of the City shall be conducted on the basis of unquestionable ethics and morals. This applies to all areas of activities and includes relations and interactions with customers, vendors and employees. It is management's responsibility to provide the leadership and to set the example for all the City's employees to follow.

Providing a constructive atmosphere and fulfilling workplace for the employee is very important. Employees should be made to feel a part of the service the City provides the community. They should also be encouraged to present ideas and recommendations on how to improve the way things are done and to offer ways to save money.

It is important that management at all levels be accessible and responsive to all employees, acknowledging and responding timely and appropriately to their ideas, concerns, issues or problems.

The purpose of this statement is to foster a workplace where employees want to come to work every day.

**Section 9: Americans with Disabilities Act (ADA) & Americans with Disabilities Amendments Act (ADAAA) – Implemented 04-17-2018 (new section)**

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written request to Human Resources.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

## **ARTICLE II.       ADMINISTRATION**

### ***Section 1       Responsibility of the City Council***

The City Council shall establish the personnel policy, including a compensation plan. (See Article V) The City Council shall adopt or provide for rules and regulations, resolutions or ordinances concerning the personnel policy and other measures that promote the hiring and retention of capable, diligent, and honest employees. This personnel policy will be administered by the City Manager or his designee. The City Council shall prescribe workdays, and holidays to be observed by the various offices and departments of the City.

### ***Section 2       Responsibility of the City Manager***

The City Manager shall be responsible to the City Council for administration and technical direction of the personnel policy; maintenance of the personnel policy; appointment, discipline, termination and suspension of personnel in accordance with the personnel policy; and shall perform such other duties in connection with a modern personnel program as is required by this policy. All matters dealing with personnel shall be routed through the City Manager. The City Manager shall:

- A. Recommend rules and revisions to the personnel policy to the City Council for consideration.
- B. Recommend revisions to position classifications in the salary tables in the Compensation Plan (Article V) to the City Council.
- C. Prepare and recommend revisions to the salary tables in the Compensation Plan to the City Council for approval.
- D. Determine administrative, professional, and managerial positions to be excluded from overtime compensation, as provided for in Article VI, Section 4.
- E. Establish and maintain a roster of all persons in municipal service, setting forth each officer and employee, class title of position, salary, any changes in class title and status, and such data as may be deemed desirable or useful.
- F. Develop such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City.
- G. Perform such other duties as may be assigned by the City Council not inconsistent with this policy.

The City Manager may perform any or all of these duties and responsibilities or assign them to a designee.



## **ARTICLE III. RECRUITMENT**

### **Section 1        *Employment Opportunities***

The Human Resources Director or his/her designee shall use whatever means he/she deems necessary to inform qualified candidates of opportunities for employment with the City. Employment advertisements shall be published providing information about salary ranges, responsibilities, position titles, and employment qualifications for positions to be filled. All ads shall include the statement "Equal Opportunity Employer" (or "EOE"). The City shall comply with all applicable state and federal Equal Employment Opportunity (or "EEO") statutes.

### **Section 2        *Employment Categories – Revised 06-15-2021***

The City has three (3) employment categories: (i) Regular (full-time) employees, (ii) part-time employees, and (iii) temporary employees.

Regular (full-time) employees are defined as employees who work an average of 40 hours in a given 7-day work period. For firefighters and police officers, the average weekly hours are based on the 7(K) system of the Code of Federal Regulations (29 CFR 553) and average 212 hours/28 days and 85.5 hours/14 days, respectively.

Part-time employees are defined as employees who work fewer than the regular employee average hours for each department.

Temporary employees are defined as employees who are hired for a specific time period or for a specific project or task. A temporary employee terminates when the condition of hire ends.

### **Section 3        *Recruitment***

Each Department Head (City Manager, City Secretary, Utilities Director, Finance Director, Development Services Director, Human Resources Director, Public Works Director, Police Chief and Fire Chief) shall be responsible for assisting the City Manager or his/her designee in recruiting such employees as are authorized for his/her department by the salary table in the Compensation Plan (Article V) and by the budget. It is the City's policy to create career opportunities for its employees when possible. Therefore, a current employee may apply for a vacant position and be given due consideration based on his/her qualifications for the vacant position and on his/her prior job performance.

### **Section 4        *Application for Employment***

All persons expressing interest in employment with the City shall be given the opportunity to apply for vacant positions when active recruiting is taking place. All interested parties must fill out an application provided by the City. An application can be obtained at City Hall, from the City Website or by requesting one through the mail.

Active employees who are interested in pursuing another career opportunity with the City may apply for these positions by filling out an application for the new position.

As a general rule, the City will accept applications only when a position is available and active recruiting is taking place.

## **Section 5            *Application Retention***

The Finance Director or his/her designee shall be responsible for maintenance of records of all position vacancy announcements, including posting and closing dates, all optional referral sources used in the recruitment process, and the pool of applicants considered for each vacancy. After the active recruiting period, applications shall be kept in a reserve file for two (2) years, in accordance with Retention Schedules as prescribed by the Texas State Library and Archives Commission.

## **Section 6            *Qualification Standards***

The City maintains a class (job) description that establishes the required knowledge, skills, and abilities for each position and the acceptable levels of experience and training for each position. The job description sets forth the minimum acceptable qualifications to fill the position. The City reserves the right to amend or modify job descriptions and qualifications.

The City will also require all prospective employees provide proof of citizenship or legal work status in the United States prior to employment. (See Article I, Section 7)

## **Section 7            *Testing***

All tests administered by the City will conform to all applicable legal regulations. These examinations may consist of medical, drug and alcohol testing, skills-based, job knowledge and/or physical strength and ability tests. If the duties of the position include operation of City-owned or City-insured vehicles, the Finance Director or his/her designee will, before an offer of employment is issued, conduct a review of the driving record of the applicant which will become part of the personnel file, if hired.

All selection tests administered by the City or by persons or agencies for the City shall be valid measures of bona fide occupational qualifications.

A criminal background check will be conducted on applicants prior to a job offer.

## **Section 8            *Employee Selection***

- A. It shall be the responsibility of the City Manager to manage the selection of all personnel. Two levels of authority are required for all personnel selections.
  1. For the selection of all employees that report directly to him/her, the City Manager shall submit recommendations to the City Council for final approval.
  2. For the selection of all employees that report directly to them, Department Heads will submit recommendations to the City Manager for final approval.

## **ARTICLE IV. CONDITIONS OF EMPLOYMENT**

### **Section I Reporting to Work – Revised 12-10-2019**

City personnel shall work the schedule set by their Department Heads. All employees are expected to report on time and perform City work during assigned duty hours. Employees are expected to be ready to work at the beginning of their shift and comply with assigned break periods. Schedule changes must be approved by the Department Head, or designee. General hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

- A. **Attendance and Punctuality:** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and co-workers. Excessive absenteeism or tardiness may lead to disciplinary action, up to and including termination of employment. Continuing patterns of absences, early departures or tardiness, regardless of the exact number of days, may also warrant disciplinary action. Tardiness is defined as arriving 15 or more minutes late for a designated shift.
- B. **Reporting Absences and Tardies:** It is the employee's responsibility to notify his/her direct supervisor within 30 minutes of the beginning of the shift when an he/she is unable to report to work or will be tardy reporting to work. If the supervisor is not reachable, the employee must contact the next level of authority (Department Head, Human Resources or City Manager) within the 30 minutes. Leaving a voice mail message or notifying a co-worker is not acceptable. Text messaging may be permitted if the supervisor has granted such permission ahead of time. In the rare event when an employee is incapacitated and unable to report an absence and/or tardy, an immediate family member shall call to notify the employee's supervisor of the absence/tardy. When reporting tardiness, the employee must notify the supervisor of an anticipated arrival time. When reporting an FMLA-approved absence, it is the employee's responsibility and obligation to inform his/her supervisor that the absence or tardiness is approved FML and indicate FML on the leave request for that absence(s). Failure to follow proper call-in guidelines for any type of absences or instance of tardiness counts as an occurrence (see Definition of Occurrence in F).
- C. **Types of Absences:** The City recognizes two types of absences – scheduled and unscheduled absences. Vacation leave should be scheduled at least 24 hours prior to taking leave. When possible, sick leave should also be scheduled in advance when the leave is foreseeable (doctor appointments, scheduled operations, etc.). Foreseeable sick leave must also be scheduled at least 24 hours prior to taking the leave. When leave is taken, but not scheduled according to the required timelines, the leave will be considered unscheduled. Leave that is scheduled in advance, according to the required timelines, will be considered scheduled leave. Supervisory discretion can be applied when it is deemed necessary to send an employee home who has obvious signs of illness or injury. Approved absences for work-related illness and/or injury will be reported as a workers' compensation claim and are not subject to disciplinary action.

Supervisors may recognize absence patterns or trends that cause disruption to the

organization. Examples of patterns/trends may be frequent absences repeatedly on the same day of the week (i.e.: Mondays or Fridays). When such a pattern/trend is identified, the Supervisor will contact Human Resources to determine the appropriate action. Employees whose absences reflect such patterns and/or trends may be subject to disciplinary action, up to and including termination.

- D. **Attendance Records:** Non-exempt employees are required to submit a timesheet for all hours worked (including training and education hours) and any/all leave taken for that pay period. Leave requests, when leave is taken, must accompany the timesheet. Timesheets and leave requests must have all signatures – employee and supervisor. Exempt employees are required to submit a leave request for any/all leave taken for the pay period and must have all signatures – employee and supervisor.
- E. **Excessive Unscheduled Absence and Tardiness:** Eight or more occurrences of a combination of unscheduled absences or instances of tardiness during a rolling 12-month period constitutes grounds for disciplinary action.

*Definition of Occurrence*

- An occurrence covers consecutive days (shifts) of unscheduled absence when the absences are for the same reason. For example:
    - Employee takes unscheduled absence from April 2 through April 5 for the same reason (i.e.: employee is ill). Those absences equal one occurrence.
    - Employee takes an unscheduled absence on April 2. The employee returns to work on April 3 but takes an unscheduled absence again on April 5. Those are counted as two occurrences.
  - Absences occur when an employee has an unscheduled absence for a full or partial day.
  - The first three instances of tardiness combined equal one occurrence. Each subsequent instance of tardiness counts as a single occurrence.
  - Failure to follow proper call-in guidelines for any type of absence or instance of tardiness counts as an occurrence.
- F. **Disciplinary Action for Excessive Unscheduled Absences or Tardiness:** Progressive discipline will begin when an employee reaches eight (8) occurrences within a 12-month period. The chart below indicates the progressive discipline for occurrences. Disciplinary action must be documented and reviewed by Human Resources prior to delivery. The purpose of disciplinary action is to ensure the employee is aware of the absenteeism and tardiness and to verify the employee understands the policy and consequences of excessive occurrences. Disciplinary action documents will be placed in the employee's personnel file.

Number of Occurrences	Type of Disciplinary Action
Eight (8)	Verbal Warning
Additional Occurrences Within Next 6 Months	Written Warning
Next Occurrence	Probation

Next Occurrence	Termination
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- G. **Exchanging Shifts:** The exchange of work shifts is against City Policy unless: (1) Prior written permission is obtained from the Department Supervisor; (2) the shift exchange is completed within the same pay period; and (3) the shift exchange is accomplished with the same grade level of employee. Paying someone to cover a shift is not allowed nor will a shift exchange be allowed if such exchange causes overtime.
- H. **Required Doctor's Note and/or Fitness-for-Duty Certification:** An employee who takes an unscheduled absence or scheduled sick leave of three or more consecutive workdays/shifts will be required to provide a note from the employee's treating physician confirming the employee has been under a doctor's care during those absences. The note must include the dates the employee was unable to report to work, along with a date the employee is allowed to return to work. The note from the doctor must be submitted to the employee's supervisor who will provide the note to Human Resources. The note from the doctor will be filed with the respective leave request and timesheet. If the employee fails to provide a note, each day of absence will count as an occurrence.

The City may require a Fitness-for-Duty Certification stating when the employee is able to return to work, along with any restrictions applied to the employee's return to work. The City will adhere to the City's policy on Americans with Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA), as well as applicable ADA/ADAAA laws, when determining the ability to make reasonable accommodations. The ADA/ADAAA policy can be found in ARTICLE I, Section 9.

Unless it is known that the absences are being used for vacation or non-sick related reasons, absences consisting of three or more consecutive days will warrant the supervisor to contact Human Resources to determine if FML is applicable.

- I. **Job Abandonment:** Employees who fail to properly notify the City of an absence of three consecutive days/shifts or more will be presumed to have voluntarily resigned and will be voluntarily terminated for Job Abandonment.

## **Section 2            Breaks**

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each workday to prevent undue fatigue and comply with applicable laws.

- A. **Meal Periods:** Full-time employees (excluding Police and Fire) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Head in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

- B. **Breaks:** Full-time employees may, depending on individual departmental work

schedules and the discretion of their supervisor, take up to two 15 minute, paid breaks each day – one during the first part of the workday, and the other during the latter part of the workday. Breaks may not be combined.

- C. Nursing Mothers Break: Employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child. The frequency of breaks needed to express breast milk, as well as the duration of each break, will vary. A designated area, providing shield from view and free from intrusion by coworkers and the public, will be provided. Employees will not be retaliated against for exercising their rights under this policy.

Family and Medical Leave through the City's FMLA policy may be applicable during absences. Please refer to Section 5 for more information regarding FMLA. The City's policy on Americans with Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA) can be found in ARTICLE I, Section 9.

### **Section 3        *Drug and Alcohol-Free Workplace/Drug Testing Policy – Revised 06/18/2019***

#### **A. Drug and Alcohol-Free Workplace**

In our efforts to provide a drug and alcohol-free, healthy and safe workplace, the City of Horseshoe Bay requires all employees to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

##### **1. Personal Use and Distribution**

The City strictly prohibits the unauthorized use, sale, purchase, possession, distribution, dispensation, manufacturing or transfer of controlled substances, as that term is defined by applicable state and federal laws, while on or in City property or other work sites where employees may be assigned, in City owned vehicles, in or on City equipment and machinery, or in personal vehicles while conducting City business.

Employees, volunteers convicted of violations related to controlled substances under state and federal law or who are arrested or plead guilty or no contest to such charges must inform Human Resources and the Department Director immediately or no later than within twenty-four (24) hours of such an arrest, conviction or plea. Employees who operate City vehicles or equipment and receive a conviction for a DWI or DUI will be subject to disciplinary action, up to and including termination. Arrests will be determined on a case-by-case basis.

Employees shall not use, have present in their body or on their person, alcohol, illegal drugs, intoxicants or any other prohibited substances when reporting to work or while on duty. Employees shall not have the odor on their breath or clothes of alcohol, illegal drugs, intoxicants or any other prohibited substance when they report to work or while on duty. Employees shall not have alcohol, illegal drugs, intoxicants or any other prohibited substances in City vehicles or equipment or on City premises.

##### **2. Prescriptions and Over-the-Counter Medications**

Employees shall not use or possess prescription drugs except as prescribed by their

physician. Employees shall use prescription drugs or over-the-counter (OTC) medications in a manner consistent with recommended dosages and/or warning statements. Employees must report their use of over-the-counter or prescribed medication to their supervisor if the use might impair their ability to perform the essential functions of job safely and effectively. The supervisor will work in conjunction with Human Resources to determine as to whether the employee is able to perform the essential functions of the job safely and properly. A fitness-for-duty, which will be job-related and consistent with business necessity, may be required to make that determination. The City reserves the right to have a designated City physician determine if a drug or medication may impair an employee's ability to safely perform his/her job duties and may restrict the job duties performed while using a drug or medication accordingly.

### **3. On-Call Employees**

Employees who are on-call are prohibited from consuming alcoholic beverages or using drugs or medication that may impair performance if called to work.

### **4. Employee Assistance**

Employees may request approval to take a leave of absence to participate in a rehabilitation or treatment program; however, enrollment into a rehabilitation or treatment program will not be in lieu of disciplinary action. Such employees will be granted leave as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if there is a history of violations, or may otherwise be required, consistent with the City's needs. Once a drug test has been initiated under this policy, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act. The employee may likely face possible discipline, up to and including termination.

The City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status if the employee successfully completes his/her prescribed rehabilitation or treatment. This policy will be administered in accordance with the City's Family and Medical Leave Act (FMLA) policy when applicable and will be enforced consistent with the City's obligations under the Americans with Disabilities Act (ADA) and American with Disabilities Act Amendments Act (ADAAA).

The cost for rehabilitation or treatment *may* be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

## **B. Drug Testing**

### **I. Pre-employment**

As a condition of employment, candidates who are being considered for hire in a safety-sensitive position must pass a post-offer, pre-employment drug test before beginning work. Refusal to submit to testing will result in disqualification of

employment consideration.

## **2. Reasonable Suspicion**

Employees are subject to testing based on reasonable suspicion. Human Resources, the Department Head and the City Manager must be consulted before sending an employee for testing. Management must use the City's Reasonable Suspicion Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is or may be under the influence of illegal drugs or alcohol. Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both management and Human Resources will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will result in termination of employment

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for transportation to and from the testing facility.*

## **3. Post-accident**

Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including but not limited to a City forklift, pickup truck, backhoe, excavator, tractor, boat, etc.) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee to cooperate will be treated as a positive drug test result and will result in termination of employment.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for transportation to and from the testing facility.*

## **4. Random Drug Testing**

Employees who work in positions that have been designated as safety-sensitive are subject to random drug testing on a periodic basis. As used in this policy, "random



testing” means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the City has no discretion to waive the selection of an employee selected by this random selection method.

- a) All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the state or federal government. Testing will be conducted by the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results. The medical laboratory will administer the tests and determine who will be randomly tested according to lawful procedures for random drug testing.
- b) Employees will be considered to be engaged at work for the time spent in taking any tests and will be compensated for such time at their regular rate.
- c) The City of Horseshoe Bay will pay for the cost of the testing. The testing lab will retain samples in accordance with state law, so that an employee may request a retest of the sample at his or her own expense if the employee disagrees with the test result.
- d) Refusal by an employee will be treated as a positive drug test result and will result in termination of employment. Employees who use or attempt to use a Drug-Test Subversion Device to alter or tamper with a sample or defeat any other part of the testing process will be subject to disciplinary action, up to and including termination.
- e) The City will be notified of the results of the test in accordance with the Health Insurance Portability and Accountability Act (HIPAA). All records concerning test results will be kept in medical files that are maintained separately from the personnel file of the employee.
- f) Any initial test result with a positive/non-negative test finding will be forwarded to a Medical Review Officer (MRO) provided by the medical laboratory for further testing and review. In such event, the submitting employee will be notified and placed on suspension, with pay, pending a final result determined by the MRO. An employee suspended with pay will not be required to use any accrued leave during the MRO review period. However, if the MRO determines inappropriate drug use, the employee’s accrued leave will be used for the suspension, retroactively, and for any time used for such suspension.
- g) Employees cleared by the MRO may return to duty with no disciplinary action. Employees who receive a final positive/non-negative test result will be subject to disciplinary action, up to and including termination.

### **C. Drug Test Records**

All records pertaining to department required drug tests shall remain confidential and shall not be provided to other employers or agencies without the written permission of the employee or former employee whose records are being sought.

Any employee who breaches the confidentiality of any testing information shall be subject to disciplinary action, up to and including termination.

Drug tests results and records shall be stored and retained in compliance with state law at the City of Horseshoe Bay, Office of Human Resources, the depository designated as the custodian of record for any and all testing results. The office of Human Resources shall maintain all records relating to drug testing of all applicants, as well as employees tested as part of the random drug testing program.

#### **Section 4            *Employee Safety and Health Policy***

The personal safety and health of every employee is important to the City, and it is City policy to meet this responsibility by providing safe and healthful places and conditions of employment and by constantly striving to improve the quality of the work place.

The protection of one's fellow employees and the public on City property is a responsibility shared by all. If employees know of safety or health conditions that could be improved where they work, they should notify their Supervisor or Department Head. All City employees are fully covered by Worker's Compensation Insurance and are required to report all accidents and injuries on the job to their immediate Supervisor so that appropriate action can be taken and the necessary forms filed.

The City considers the safety of its employees a major responsibility. The City will constantly endeavor to encourage safe working habits and provide safe working conditions for its employees. It is recognized that accident control can only be successful when support comes from management, when adequate coordination and advice come from staff members, when Supervisors accept safety responsibilities, and when employees participate in the elimination of unnecessary safety hazards.

To foster an environment of health and safety, the following principles and duties apply to the employee groups.

##### **A. Department Heads' Responsibilities**

1. Minimize hazards that could result in injury or accidents.
2. Assume responsibility for an effective employee safety program for his/her department.

##### **B. Supervisor's Responsibilities**

1. Train all employees in the safe way to do their jobs.
2. Instruct employees on disciplinary policy for violation of safety rules.
3. Ensure all personal protective gear and safety equipment is provided and properly used.

4. Conduct frequent safety inspections of all work areas, identifying unsafe conditions.
5. Promptly correct any observed or reported unsafe conditions or unsafe actions.
6. Report any accident involving an Employee and/or City Property.

C. Employee's Responsibilities

1. Observe all safety warnings.
2. Always use personal protective gear and safety equipment.
3. Learn to lift properly.
4. Ask for help if necessary.
5. Report all accidents and unsafe conditions immediately.

To strive to reinforce these responsibilities the following policies will be followed.

D. Safety Meetings

The City will hold a Safety Meeting the first Tuesday of each month at 8:00 a.m. All on-duty employees are required to attend. Each meeting will be hosted by one of the following departments, on a rotating schedule: Administration, Police Department, Fire Department, Plant Operations, and Field Operations. The hosting department will be responsible for the safety-related program, refreshments, scheduling the meeting room, and setting up before and cleaning up after the meeting.

E. Safety Committee

1. Safety Committee Members: City Manager and Department Heads (Finance Director, City Secretary, Development Services Manager, Utilities Director, Chief of Police, Fire Chief).
2. Accident Rating and Review:

The Safety Committee will convene, review and rate accidents and submit their written recommendations for review and final approval by the City Manager according to the terms of the Accident Rating and Review Policy, as further described below.

F. Accident Rating and Review Policy

For an effective and efficient safety program, it is absolutely essential that a procedure is in place for the review and consideration of all types of accidents involving City personnel and property. It is necessary to establish a system by which accidents and occurrences can be rated as to their preventability for the benefit of the City and the employee. Therefore, the following is set forth to accomplish the goal of a safer work environment.

I. Reporting:

- a. Upon the occurrence of an accident involving an employee of the City or property owned by the City, a written report shall be submitted by the affected employee and his/her Supervisor to the City Manager the next business day. If the incident warrants immediate notice, such as death or serious injury, or in such cases involving the public and liability situations, the City Manager or his/her Designee shall be immediately notified.
  - i. The Department Head shall also forward his/her recommendations concerning the accident to the City Manager at this time.
  - ii. The City Manager will then submit the documentation to the Safety Committee for their review and recommendations, if deemed appropriate. In the interest of efficient and fair operation, the Safety Committee shall convene at the earliest possible date to consider the accident (not later than five (5) working days after the accident).
  - iii. The Safety Committee shall convene, review and rate the accident using the scale provided in subsection 2 below and submit their written recommendations for review and final approval by the City Manager.
  - iv. The City Manager will have the final authority concerning all recommendations of the Safety Committee and the Department Head.

2. Accident Rating and Sanctions:

- a. Class One Accident: Unpreventable by the employee - no sanction applicable.
- b. Class Two Accident: Preventable by the employee - sanction applicable.
  - i. First occurrence - letter of reprimand to employee's file.
  - ii. Second occurrence within twelve (12) months - suspension without pay for time period determined by City Manager and Department Head.
  - iii. Third occurrence within twelve (12) months - long term suspension without pay for time period determined by City Manager, or termination (subject to approval by the City Manager).
- c. Class Three Accident: Gross negligence by the employee - sanction required.
  - i. Termination recommended (subject to approval by the City Manager).

3. Investigation of Accidents:

- a. Traffic Accidents:
  - i. All traffic accidents shall be immediately reported to the law enforcement agency having jurisdiction over the accident site for determination if a state accident report shall be made based on statutory requirements or if the accident should be reported internally only.
  - ii. A written report shall be submitted to the City Manager and forwarded to the Safety Committee.

- b. Industrial/Workplace Accidents:
  - i. Industrial/Workplace accidents shall be investigated by the affected employee's Supervisor and the Department Head.
  - ii. A written report shall again be submitted to the City Manager and forwarded to the Safety Committee.
- 4. Record Keeping:
  - a. All disciplinary sanctions, as described in subsection 2 above, will be entered into the individual employee's personnel file.
  - b. All appeals to imposed sanctions will be directed to the City Manager.
  - c. Should an employee be found not negligent in an accident and no sanctions applied, they will remain eligible for any benefits from a clean safety record for the year's review.

## **Section 5            *Anti-Harassment Policy – Revised 04-17-2018***

- A. **Purpose.** To foster respect for the dignity and value of all employees
- B. **Scope.** This policy applies to all employees. Furthermore, management will establish appropriate procedures to ensure that non-employees (vendors, customers, etc.) on City premises are also made aware of the intent of this policy. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens and vendors. This means that each employee must be respectful of others and act professionally.
- C. **Policy.** This policy applies to all persons involved in the operation of the City and prohibits inappropriate conduct and/or unlawful harassment by any employee or any other person doing business with or for the City of Horseshoe Bay. This policy applies to all work-related activities, including business trips, social activities sponsored or required by the City as well as within overnight spaces required by positions, such as but not limited to Fire and/or Police Stations. Through enforcement of this policy and by required anti-harassment training, the City will seek to prevent, correct and discipline behavior that violates this policy. Employees who violate this policy and supervisors who violate or condone violations of this policy are subject to discipline up to and including termination.

### **D. Definitions.**

#### **I. Sexual Harassment**

Sexual harassment is a type of harassment that is characterized by unwelcome sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment for the individual;
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual, or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual advances or propositions;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisal after a negative response to a sexual advance;
- Verbal abuse of a sexual nature such as a graphic commentary about an individual's body or dress, use of sexually degrading words to describe an individual, or suggestive or obscene letters, notes or invitations;
- Visual conduct as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- Verbal conduct such as making or using derogatory comments, epithets, slurs, or sexually explicit jokes; and/or
- Physical contact such as touching, assault, or impeding or blocking an individual's movement.

- 2. Prohibited Harassment.** In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship or any other characteristic protected by the law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

- E. Complaint Procedures.** All employees have a responsibility to, and are strongly encouraged to, report any incidents of harassment which, whether experienced or observed, in accordance with the following policy.

An employee who believes he/she has been subjected to inappropriate or unlawful harassment or retaliation should immediately report the inappropriate conduct by taking one or more of the following steps:

- Informing his/her immediate supervisor or any other supervisory employee;
- Notifying Human Resources, without regard to employee's normal chain of command;
- Notifying any individual within the City's Leadership Team; and/or
- Notifying the City Manager

Any supervisor or manager who receives a complaint of discrimination or harassment, or who otherwise knows of or believes there may be discrimination or harassment occurring,

should promptly notify Human Resources.

Upon being informed of an allegation of prohibited conduct, Human Resources will investigate the matter in a timely manner, taking into consideration the nature of the complaint. In certain cases, the investigation may be referred to an employment law attorney or others.

- F. **Investigation Procedures.** All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews, with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality. If the City determines that prohibited conduct has occurred, the City will take effective remedial action commensurate with the circumstances up to, and including, termination of employment. Appropriate action will also be taken to deter any future harassment. An employee, who engages in prohibited conduct, including any Supervisor or manager who knew about the misconduct but took no action to stop it, will be held responsible. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated, or when employees are untruthful during an investigation. A non-City employee who subjects an employee to harassment in the workplace will be informed of the City's policy, and other action will be taken as appropriate.

G. **Employee Responsibilities.**

1. All employees should not engage in prohibited conduct in the workplace.
2. Report any observed or potential prohibited conduct promptly, pursuant to the procedures described above ("How to Report a Complaint").
3. Cooperate thoroughly in any investigation.

H. **Supervisor Responsibilities.**

1. Maintain an open-door policy for employees to communicate potential concerns at an early stage and seek counsel from Human Resources.
2. Report any alleged incidents or receipts of formal complaints immediately to appropriate management personnel and to Human Resources.
3. Cooperate fully in any investigation.
4. Each Manager and Supervisor is responsible for making sure that all employees within his or her area of responsibility are aware of this policy, for ensuring that personnel decisions are in compliance with this policy, and for initiating corrective action (after consulting with Human Resources) when improper behavior is observed or reported.
5. Reject any offer or promise of sexual favors made by any employee or applicant for employment in anticipation of or in exchange for some employment decision and concurrently advise such employee or applicant for employment that such an exchange violates the City's policy and will not be condoned.

- I. **Prevention Program.** The City has adopted the foregoing policy in an effort to eliminate harassment from the workplace, to prevent incidents from occurring, and to avoid or limit harm if harassment should occur despite preventive efforts. Avoidance of harassment requires constant Supervisory and management awareness. Publication of this policy reaffirms the City's desire to eliminate any form of harassment. Anti-harassment

training is provided to all employees throughout the City. The resulting work environment should be one sensitive to harassment, and one positioned to prevent serious violations or allegations.

- J. **No Retaliation.** The City prohibits retaliation against any employee for the use of this complaint procedure in good faith or for providing information in connection with a report or investigation of harassment. Retaliation is a serious violation of this Harassment Policy, and any person found to have retaliated against an individual for reporting or cooperating with an investigation will be subject to disciplinary action, up to and including termination of employment.
- K. **Consequences.** Any employee of the City, who is found, after appropriate investigation, to have violated this policy prohibiting harassment, will be subject to disciplinary action, up to and including termination.

## **Section 6            *Training and Education***

Certain City positions require state certification, as described in the applicable job description. The City, at its cost, will make every reasonable effort to assist the employee in obtaining the requisite certification but cannot waive the requirement and, if necessary, will terminate an employee failing to obtain such certification during a reasonable period as stated in the job description.

Employees are encouraged to seek additional education consistent with their career or personal goals and the City will consider participating in the cost of such education on an individual case basis.

## **Section 7            *Travel Expense and Reimbursement – Revised 08-30-2022***

The City recognizes that education and the attainment of levels of certification benefit not only the City, but the employee as well.

When the education, training, or event is approved by the City, employees will be paid travel time to and from locations according to the requirements of the Fair Labor Standards Act (FLSA).

The City will make every effort to furnish vehicles for travel transportation. A vehicle assignment form (See Appendix K) will be initiated by the Supervisor or Department Head authorizing the use of a City vehicle. Mileage reimbursement will not be paid if a City vehicle was assigned for use by an employee. When it is not possible to assign a City vehicle, mileage will be paid for the use of a personal vehicle at the current standard mileage rate established by the Internal Revenue Service (IRS). The IRS establishes new rates on January 1<sup>st</sup> of each year. If drastic changes in oil prices occur, the IRS may adjust the current rate on July 1<sup>st</sup> of that year. Mileage reimbursement will be validated through an online mapping application (Google Maps, MapQuest, etc.) and attached to the reimbursement request along with documentation of the training or event.

The maximum daily reimbursement (per diem) rates from the City when an employee is away for education, training, or business purposes will be the current M&IE Total Rate (Meals & Incidentals) set by the U.S. General Services Administration for the location to which the employee is traveling. If the time away does not require a full day, the per diem will be based on the individual meal rates depending on travel times (see table below). If a meal is furnished as part of the cost of the education or training program, that meal total will be deducted from the per diem rate.



<b>Departure</b> <i>If you are traveling during this time period:</i>	<b>Meal</b> <i>You will be reimbursed for this meal:</i>
Before 7:00 a.m. until 9:00 am	Breakfast
Before 11:00 am until 1:00 pm	Lunch
Before 6:00 pm until 7:00 pm	Dinner

A check request for the Per Diem must be submitted to the Finance Department no later than the Wednesday (for distribution on Friday) prior to the date required. Documentation of the business-related event and General Services Administration M&IE Rates for the event location are to be attached to the check request. No receipts are necessary since the Per Diem amount is the minimum and maximum that will be paid regardless of the employee's actual expenses while traveling on City business.

### **Section 8          *Outside Employment***

The work of the City shall have precedence over the other occupational interest of regular (full-time) employees. All outside employment and all self-employment must be reported to and approved by the employee's Department Head and City Manager. Department Heads shall not have outside employment unless approved by the City Manager. The assumption of outside employment without prior approval by the City may be deemed improper conduct and subject a regular (full-time) employee to disciplinary action, up to and including termination.

### **Section 9          *Political Activities***

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

No employee of the City shall:

- Engage in political activity while on duty.
- Be required, as a condition of employment, pay raise, promotion or tenure of office, to contribute funds or support for political purposes.
- Use City-owned supplies, equipment or facilities to display political slogans, posters, or stickers or for any other political purpose.
- Solicit or act as custodian of funds for political purposes, while on duty.
- Become an elected official of the City and remain an employee of the City.

Any violation of these provisions shall be deemed improper conduct and may result in termination or other disciplinary action.

### **Section 10        *Conflict of Interest***

Any officer, Department Head, employee, or official who has financial interest, direct or indirect, in any proposed contract with the City or in any proposed sale of land, materials, supplies or services to the City or to a contractor or vendor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such contract, purchase, or sale. Any officer, Department Head, employee, or official who willfully

conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position. A violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract void.

Further, no officer, Department Head, employee, or official shall:

- Accept any gift, service, or thing of value that may tend to influence that person in the discharge of duties, or
- Grant in the discharge of his or her duties any improper gift, service, or thing of value.

## **Section 11        Tobacco Policy**

Excerpted from City Ordinance No. ORD 07-02-20B:

The City is a tobacco-free work place. Employees are prohibited from using any form of tobacco product while on duty except for designated break periods. Employees and visitors are prohibited from smoking or using any form of tobacco product inside any vehicle, building, facility or enclosed public area, or any portion thereof, owned by, leased by, operated by or otherwise under the management or control of the City.

All employees are expected to abide by this policy in all respects while at work, whether on City premises, at a customer's site, or while in transit between work locations or assignments, as well as while the employee is off duty, if the employee is on City premises or in vehicles owned, leased, or rented by the City. Being permitted to use tobacco products during breaks is a privilege, as long as such use does not interfere with the employee's work, fitness for duty, or professional appearance. No additional breaks beyond those allowed under the City's break policy may be taken for the purpose of using tobacco or similar products.

See Appendix F for copy of the Smoking Ordinance.

## **Section 12        Dress Code & Grooming Policy – Revised 07-17-2018**

Employees are expected to project a professional image to our customers, visitors and co-workers. All employees are expected to dress appropriately for the position for which they were hired and in a manner consistent with good hygiene, safety and good taste. It is our intention to allow employees the autonomy to make decisions based on common sense, with professionalism in mind. Although we attempt to provide as much clarity as possible, it is difficult to address every situation in a policy. The following are examples of unacceptable attire:

- Plain or pocket T-shirts
- T-shirts with logos
- Tank tops, tube tops, halter tops
- Off-the-shoulder tops
- Spaghetti straps on tops or dresses
- Low cut necklines
- Midriff length tops
- Spandex or Lycra such as biker shorts
- Cutoffs, shorts, skirts shorter than 3" above the knee
- Jeans with holes, patches, frayed ends or frayed seams, ripped jeans
- Flip flops
- Underwear as outerwear
- Beach wear
- Workout clothes
- Evening wear

Employees who are furnished uniforms are required to wear those uniforms during their work hours, according to departmental standards.

Attire must not interfere with employee safety. Employees who are required to wear safety gear

and/or personal protective equipment (PPE) must do so in order to meet department safety requirements. Safety shall override appearance in all situations.

The City of Horseshoe Bay enforces a Dress Code & Grooming policy to ensure a positive image to our community. This policy is based on sound judgement and is in the best interest of the City, our customers and our employees.

An employee's appearance shall not violate the City's Anti-Harassment policy (see Section 4 Anti-Harassment Policy).

### **Enforcement:**

Department Heads and Supervisors are responsible for monitoring and enforcing this policy. The policy will be administered according to the following action steps:

1. Any questions or complaints, whether from an employee, Supervisor or Department Head, regarding the appropriateness of attire should be directed to the Human Resources department.
2. If questionable attire is worn in the workplace, the respective Department Head/Supervisor will discuss the situation with the employee to advise and counsel the employee regarding the inappropriateness of the attire.
3. If necessary, the Department Head/Supervisor may immediately require the employee to change his/her attire to something more acceptable.
4. Repeated policy violations will result in disciplinary action, up to and including termination.

## **Section 13      *Weapons in the Workplace – Implemented 02-16-2016 (new section)***

### **Policy**

To ensure that the City of Horseshoe Bay maintains a safe workplace for the public and employees, the City prohibits employees from openly carrying firearms or possessing dangerous weapons on City property. Concealed carry of a firearm, with a lawful Texas License to Carry (LTC) permit, is allowed. Under Texas law, employees are allowed to store firearms in a locked, privately owned motor vehicle, unless that vehicle is owned or leased by the City.

### **Persons Covered**

Unless it is a requirement of the City employee's job, employees are not allowed to openly carry firearms or possess dangerous weapons while on duty and/or on City property. Otherwise, all City workers are subject to this policy, including contract workers and temporary employees. City Employees who are conducting City business (on duty), regardless of whether utilizing a City vehicle or on City property, are also prohibited from openly carrying weapons or possessing dangerous weapons while conducting City business (on duty). A License to Carry (LTC) permit does not supersede the City's policy.

## **Definitions**

“City property” is defined as all City-owned or leased buildings and property to include surrounding areas such as sidewalks, walkways, driveways and parking lots under the City’s ownership or control. The policy applies to all City-owned or leased vehicles.

“Dangerous weapons” include explosives, knives and other weapons that might be considered dangerous or that could cause harm.

“Firearms” include handguns and/or long guns.

Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

## **Enforcement**

Employees must notify the City if they have a License to Carry (LTC) permit, as well as their intentions to carry a concealed firearm while on duty or using a City vehicle. This notification must be done by completing the appropriate form and submitting it to Human Resources.

Violation of this policy may result in disciplinary action, up to and including termination.

## **Section 14    *Social Media Acceptable Use – Implemented 10-16-2018 (new Section)***

An employee’s use of social media, both on and off duty, must not interfere with or conflict with the employee’s duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City’s reputation and ensure that an employee’s communications not only reflect positively on the employee as an individual, but also on the City.

**Note:** As used in this policy, “social media” refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and SnapChat, among others.

**Off-duty use of social media.** Employees may maintain personal websites or weblogs on their own time using their own devices. In general employees may use them to express their thoughts or promote their ideas; however, social media use must not interfere with the operations of the City or reflect negatively on the City.

**On-duty use of social media.** Employees may not engage in social media activity on behalf of the City unless it is approved by the City Manager. The City monitors employee use of City computers and the Internet, and employees have no expectation of privacy when using City equipment.

**Respect.** Demonstrate respect for the dignity of the City, its residents, its customers, its vendors, and its employees. Employees must avoid inappropriate comments and must comply with the City’s anti-harassment policies. For example, employees should not divulge The City of Horseshoe

Bay confidential information or information restricted from disclosure by law on social media sites. Similarly, employees must not engage in harassing or discriminatory behavior that demeans, embarrasses, defames, insults other employees or individuals. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

**Post disclaimers.** If an employee identifies himself or herself as a City employee or discusses matters related to the City on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of the City and that the employee is expressing only his or her personal views. For example: "The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer."

**Confidentiality.** Do not identify or reference City employees, residents, customers, or vendors. All requests for public information must be processed through the Public Information Act.

**Discipline.** Violations of this policy may result in discipline up to and including immediate termination of employment.

### **Section 15      *Employee ID Badges – Implemented 06-18-2019 (new section)***

As a vital part of our security procedures, the City issues employee identification badges (employee ID badges) to active employees working in departments other than Fire and Police Departments\*. Each City-issued employee ID badge includes the employee name, job title, employee photo and employer number. All employees are required to wear his/her employee ID badge or have it in their possession while at work. Employee ID badges must be maintained in manner that is professional when presented and shall be worn according to safety regulations.

If an employee ID badge is lost or stolen, the employee must obtain a replacement. At the discretion of Management, a fee may be assessed for all replacement badges. Lost or stolen badges shall be reported to Human Resources immediately. Failure to report lost or stolen badges, failure to wear or produce employee ID badges or excessive loss or damage to badges, can lead to disciplinary action, up to and including termination.

Upon termination, employees will be required to return their employee ID badges to Human Resources. Failure to return badges may result in replacement costs being assessed against the employee.

\*Policies and procedures for identification badges issued for Fire and Police Departments will be provided by the respective department and in accordance with local, state and federal laws.

### **Section 16      *Remote & Flexible Work Schedules – Implemented 11-12-2024 (new section)***

#### **Purpose**

To allow the option to work remotely or choose an alternate work schedule for positions and employees who are eligible. Working remotely or having a flexible schedule is a mutually agreed upon work alternative between the City and the employee to enhance work/life balance.

## **POLICY:**

Requirements for remote work arrangements are set forth in this policy and are intended to provide consistent applicability and compliance with all applicable laws. Remote and flexible work schedules are alternate methods of meeting the needs of both the City and the employee. The City of Horseshoe Bay considers both remote and flexible schedules to be viable only in certain cases where job functions may be successfully accomplished with such an arrangement. First responders are not eligible for remote work.

In no way does working remotely or with a flexible schedule change the terms and conditions of employment with the City of Horseshoe Bay. Remote and flexible work schedule opportunities are evaluated on a case-by-case basis. The City of Horseshoe Bay has the right to deny or discontinue remote and flexible work schedules at any time, for any reason.

The duties, responsibilities and conditions of employment remain the same as if the employee were working at their normal worksite or within their normal schedule. The employee will continue to comply with the City of Horseshoe Bay policies and procedures while working at an alternate worksite. Dependent care arrangements must not interfere with work and personal disruptions are expected to be kept to a minimum.

Remote work or flexible schedules should not negatively affect the workload or productivity of other employees such as shifting duties, creating delays, or adding additional steps in the workflow. Employees' compensation, benefits, work status, or work responsibilities will not be affected. The City of Horseshoe Bay will not approve any remote work or flexible schedule arrangement that would result in additional cost or overtime for the City.

### **Eligibility**

Employees must meet the requirements listed below in order to be eligible to participate in either remote work or a flexible schedule:

- Full-time or part-time regular position
- Current Performance Evaluation rating of meeting or exceeding expectations
- Not currently on a Performance Improvement Plan
- Must be able to maintain residential high-speed internet connection, at his/her cost, to facilitate remote connectivity to the workplace
- Must submit Flexible/Remote Schedule Form to HR with all applicable signatures for file

A successful remote work/flexible schedule program will:

- Establish an alternate work location or schedule
- Provide remote access to essential work equipment
- Maintain teamwork within the department
- Maintain quality customer service
- Provide the employee an opportunity to enhance work/life balance

All requests for remote work will be approved by the department Director. Remote work schedules for Directors will be approved by the City Manager. No employee will be permitted to work remotely until approved. The City Manager and Directors reserve the right to recall employees to the office or their regular schedule in emergent situations regardless of remote/flexible scheduling.

### **Remote Work Schedule**

Employees may be approved to work one day each week from an alternate worksite instead of commuting to their normal place of operation. The employee is expected to complete their work within normal business hours with no deviation to the required total work hours. Employees are expected to be able to maintain the same level of service to customers while working remotely.

- Remote schedules are at the discretion of the supervisor and must be approved by the department Director.
- During weeks when a holiday or multiple holidays fall, remote work will not be allowed.
- Employees must be in the office at least 4 days per week unless taking applicable leave time.
- An employee's chosen day for remote work can be swapped for another day on a case-by-case basis with supervisor approval and only if that day falls within the same calendar week. Employees must notify their supervisor of their request to swap remote workdays at least 24 hours before their swapped shift. If an employee's request to swap days becomes frequent and interferes with operations, Directors reserve the right to rescind previously approved remote work agreement.

Any variance of these requirements must be approved by the City Manager.

### **Flexible Work Schedules**

The City of Horseshoe Bay offers flexible work schedules for eligible positions. If an employee is approved for an alternate work schedule, they may not be eligible for remote work unless approved by the City Manager. For example, if an employee works a 4 – 10 schedule, they are not eligible to also remotely work on a normal basis without prior approval.

Directors must approve the schedule agreed upon by the employee and their immediate supervisor. Before approving an alternate work schedule request, the supervisor must be assured of the following:

- The level and quality of customer service will not be negatively impacted
- Resources will be used efficiently and effectively
- A high quality of work will be maintained, and deadlines continually met
- Schedules coordinate with services provided to internal and external customers
- Schedules coordinate with and do not negatively impact other City departments
- Supervisor is able to maintain a high level of team interaction with alternate schedule employee

During a week where a holiday or holidays fall, flexible schedules must not interfere with normal allotment of holiday hours. Employees will not be granted additional holiday hours to accommodate a flexible schedule. Employees will be permitted to revert to a normal schedule during holiday weeks.

### **Prohibitions**

Remote and flexible work schedule privileges may be taken away at the department Director or City Manager's discretion for any reason, including, but not limited to:



- Failure to properly manage work schedule and adhere to designated scheduled work hours
- Not responding to emails, phone calls, and electronic messaging in a timely manner
- Frequently canceling scheduled meetings
- Failure to meet deadlines or provide customer service
- Violations of any City policies and/or IT security policies, standards, and procedures
- Interference of normal departmental workflow
- Violation of any of the eligibility requirements

## **ARTICLE V.           OUR COMPENSATION PHILOSOPHY & PLAN –**

### **Revised 06-21-2022**

#### **Section 1           *Compensation Philosophy***

The City's compensation philosophy and practices are integral to our objective of being an employer of choice, with competitive pay and benefits. Our compensation philosophy is built with the intentions to remain competitive and to attract, retain and reward employees whose efforts contribute to the City's success. Specifically, the City's compensation plan complies with all applicable laws and regulations and are designed to:

- Support the City's values
- Support the achievements and overall City objectives
- Encourage employees to achieve excellent performance
- Recognize and reward employees for their performance and contributions to the City's success

#### **Section 2           *Salary Table***

The City utilizes a salary which aligns a job grade and salary range for each position within the City. Salary grades and ranges are market-based and reflect the minimum, midpoint and maximum pay rate for each position.

The salary table will be reviewed on an annual basis to ensure the City remains competitive within the market. The Human Resources Director will conduct a salary survey on a periodic basis to evaluate the City's job positions and salary table and how we compare to market data.

The Human Resources Director will present the salary table to Council each year to be reviewed for the upcoming fiscal year. The Council will determine the status of the proposed salary table. Once approved, any deviation from the salary table requires specific authorization by the City Council.

The salary table is located in Appendix B.

#### **Section 3           *Incentive Pay Table***

The City utilizes an incentive table that reflects the available incentive pay for each position.

Incentive pay is available by earning a certification and/or license that is listed as an eligible incentive. Incentive will be provided to the employee during the pay period following receipt of the certification and/or license.

The incentive table will be reviewed on an annual basis to ensure the City remains competitive within the market. This will be part of the salary survey.

The Human Resources Director will present the incentive table to Council each year to be reviewed for the upcoming fiscal year. The Council will determine the status of the proposed incentive table. Once approved, any deviation from the incentive table requires specific authorization by the City Council.

The incentive table is located in Appendix C.

#### **Section 4     *Pay-for-Performance***

The City seeks to align pay and performance through a pay-for-performance plan. The plan is intended to motivate individuals to join the organization, perform at the top of their skill set and stay with the City.

#### **Section 5     *Annual Performance Assessment Cycle***

Annual performance assessments are conducted in September of each year. The performance assessments are utilized to provide:

- A clear conceptualization of intended outcomes,
- A description of how these outcomes are assessed and measured,
- A description of results obtained from these measures,
- An understanding of how the results impact the City and what needs to be improved,
- A development plan on how to gain improvement (when applicable).

It is the responsibility of the reviewing supervisor to follow the steps of the performance management cycle. Performance management is a continuous cycle that requires careful consideration for the following areas:

- **Planning**
  - Setting performance expectations and goals for employees to channel their efforts toward achieving City's goals and objectives.
  - Determining measures and metrics that will be used to determine whether expectations and goals are being met.
  - Involving employees to help them understand the goals of the City, what needs to be done, why it needs to be done and how well it should be done.
- **Monitoring**
  - Consistently measuring performance and providing ongoing feedback to employees on their progress toward reaching their goals.
  - Identify problems early for resolution.
- **Developing**

- Increasing the capacity to perform through training, assignments that introduce new skills or higher level of responsibility, improving work processes or other methods.
- Providing encouragement and coaching to strengthen performance and skill level.
- **Rating**
  - Consistently and objectively evaluating employee performance against the metrics within the performance assessment.
  - Assigning a rating of record.
- **Rewarding**
  - Providing recognition of employees for their performance and acknowledging contributions to the City's goals and objectives.
  - Utilizing a merit system

Although a continuous process, the formal performance assessment cycle is broken down into four parts:

- Goal setting
- Mid-Year Assessment of Goals
- Self-Assessment
- Performance Assessment by Supervisor

## **Section 6    Merit System**

The City utilizes a merit system as a reward system for the pay-for-performance plan. Each year, the Human Resources Director will request approval of a merit budget. The merit budget is designed to maintain competitive compensation with the labor market. The budget provides a framework through which employees can be rewarded based on their performance. The budget also helps to encourage equitable treatment of employee compensation across the City.

During the performance assessment cycle, supervisors will submit their performance assessment ratings to Human Resources. The Human Resources Director will establish a merit table based on the merit budget and the spread of ratings and will submit to the City Manager for final approval.

Merit adjustments to compensation will be effective on the first check of October, following the delivery of the performance assessment.

All employees are eligible to receive a performance assessment and a merit reward. However, newly hired employees generally are not eligible for a merit increase in their first year unless they were hired on or before June 30. Anyone who is hired prior to July 1 but has not been an employee for a full 12 months will be eligible for a pro-rated merit increase based on the number of months worked within the fiscal year.

If an employee is on a leave of absence during the merit cycle, the merit increase will not take effect until the employee returns to work. Generally, an employee who has not been actively employed for the entire merit year (leave of absence for a portion of the year) may receive a prorated merit increase.

An employee who is paid above the maximum of the salary range is not eligible for a merit

increase to base salary. Rather, the employee will receive the amount of the merit increase in a lump sum payment.

Employees will receive a copy of their performance assessment and merit compensation reward. A fully signed performance assessment and merit compensation reward will be placed in the employees' personnel file maintained by Human Resources.

## **Section 7    *Other Compensation Adjustments/Off-Cycle Adjustments***

Employees should be paid within the range according to their performance, proficiency, skill and experience in their role. While most performance assessments will occur on an annual basis through merit, there may be rare occasions where an off-cycle compensation adjustment is warranted. Off-cycle adjustments may be proposed based on pay equity or market competitiveness, but in all cases requires justification of the need for the increase.

Off-cycle adjustments require three levels of approval:

- Department Head/Director
- Human Resources Director
- City Manager

Compensation adjustments that are not associated with a promotion shall not exceed an increase of 12% without approval by the Mayor.

## **Section 8    *Promotions***

Promotions are important for retaining talent and encouraging employee growth and development. The City recognizes four types of promotions:

- “In-line” promotions: Employees move to a higher level within the same job family (e.g., Operator Trainee to Operator I).
- Interim promotions: Employees move into a temporary interim role until the position is filled.
- Job modification: Necessary modifications are made to a job to better align with the City's goals and objectives.
- “Open job” promotions: An employee fills a vacant position in the City. Open positions may occur as a result of reorganization, internal transfer, retirement, increased need, termination or other reasons.

Promotions require three levels of approval:

- Department Head/Director
- Human Resources Director
- City Manager

Employees who are eligible for any type of promotion or job change must be an employee in good standing with a satisfactory rating on the most recent performance assessment. To be in good standing, an employee cannot be under a Performance Improvement Plan or have received a

written warning, suspension, or probationary warning within the last six months.

### **Section 9 Service Recognition**

Employees who have reached a milestone anniversary will receive a one-time payment based on length of service:

- 5 years of service = \$50.00
- 10 years of service = \$100.00
- 15 years of service = \$150.00
- 20 years of service = \$200.00
- 25 years of service = \$300.00
- 30 years of service = \$350.00

### **Section 10 Discretionary Compensation**

As part of the City's total budgeted compensation package, the City Manager is delegated the authority to compensate employee with an annual one-time payment in December. The payment cannot exceed \$100, unless authorized by the Mayor.

## **ARTICLE VI. PAYROLL**

### **Section 1 Salary Periods**

Employees shall be paid bi-weekly on Fridays. The pay period contains two (2) workweeks. A workweek runs from 12:01 a.m. on Sunday through midnight the following Saturday. Pay received on Friday pays the employee through the Saturday immediately preceding the Friday pay day and includes two workweeks. Employees must have their pay directly deposited bi-weekly to any financial institution of their choice.

Supervisors will submit approved payroll data to the Human Resources Administrator no later than the Monday morning preceding a scheduled payday.

If a holiday occurs on the week of a pay day, payroll data must be received so that all required payroll activity can be completed without interruptions to direct deposits and payroll checks. The Human Resources Administrator will communicate a time for submission of payroll data during the week prior to the affected pay day.

### **Section 2 Effective Date of Salary Adjustments**

Salary adjustments approved on or after the first working day of a pay period shall become effective at the beginning of the next pay period, or at any subsequent pay period, at the discretion of the initiating Department Head.

### **Section 3 Payroll Deductions**

Federal and state income taxes, social security taxes, retirement, any insurance premiums, and any other deductions required by law or for other fringe benefits will be deducted at each pay period from an employee's paycheck as authorized by law. Other deductions will be deducted from an employee's paycheck if authorized by the employee in writing and approved by the Finance

Director or his/her designee.

#### **Section 4            *Payment for Overtime Service – Revised 06-15-2021***

To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA or The Act) governing overtime.

Non-exempt employees (excluding Police Officers, Police Investigators, Police Lieutenants and all Firefighters) will be paid at the overtime rate for all hours actually worked in excess of forty (40) hours per workweek. Vacation and sick leave taken during the same workweek in which additional hours were worked will not count toward fulfilling the requirement for qualifying for overtime pay. The Police and Fire personnel excluded above have a separate policy that is addressed later in this section.

It is the City's policy that employees may not begin work early, work during lunch break or continue to work after the end of the normal workday without specific approval by the employee's Supervisor. Overtime work must be of an unusual, unscheduled or emergency nature and be performed at the direction of the Department Head or the authorized representative of the Department Head. Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid at a time-and-one half rate in accordance with FLSA regulations.

Employees in positions determined to be "exempt" from FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted hour for hour compensatory leave by their Department Head. "Exempt" employees may not accumulate more than a rolling total of forty (40) hours of compensatory time and no compensatory time will be paid to the exempt employee upon termination of employment.

#### **Law Enforcement:**

For those employees engaged in law enforcement activities who have a work period of at least 7, but less than 28, consecutive days, no overtime compensation is required under section 7(k) of the FLSA until the number of hours worked exceeds the number of hours which bears the same relationship to 85.5 as the number of days in the work period bears to 14.

Accordingly, overtime compensation is required for all hours worked in excess of the 85.5 maximum hour standard.

#### **Fire Department:**

For those employees engaged in fire protection activities who have a work period of at least 7, but less than 28 consecutive days, no overtime compensation is required under section 7(k) of the FLSA until the number of hours worked exceeds the number of hours which bears the same relationship to 212 as the number of days in the work period bears to 28.

Accordingly, overtime compensation is required for all hours worked in excess of the 212 maximum hour standard.

## **Section 5    *Special Pay – Emergency Call-Out for Utility Employees***

Emergency call-out compensation: The City provides compensation for Utility employees who are called back to work by reason of an emergency work situation. Emergency call-out is defined as a call to work prior to one hour before the start of a regular work period or one hour after the end of a regular work period.

Compensation for time spent when actually called back to work shall be determined according to the following: Work performed by reason of an emergency call-out will be paid for as overtime and subject to a minimum of four (4) hours at overtime pay.

After an on-call employee receives an initial call-out, any additional calls for service, if within four (4) hours of the initial call does not constitute an additional four (4) hour callout but a continuation of the initial call. However, if the employee has an initial call-out and then receives another call after four (4) hours, an additional four (4) hours is warranted unless it falls within the one hour prior to a regular work period at which time it would not be subject to the four (4) hour call-out but as additional time in a scheduled work day.



## **ARTICLE VII. LEAVES OF ABSENCE**

### **Section I          *Vacation Leave – Revised 12-14-2010***

All regular (full-time) employees are eligible for vacation. Vacation time accrues monthly starting from the date of hire. An employee is eligible to take earned vacation time after completing ninety (90) days of employment. The City encourages employees to schedule and take all earned vacation time. It is the employee's responsibility to monitor their accrued vacation hours.

The City prohibits receiving additional salary pay for earned vacation time in lieu of time off except in the cases of an emergency or extenuating circumstances determined by the City Manager.

Vacations will be scheduled by the appropriate Supervisor and approved by the Department Head to assure availability of necessary manpower.

Employees must use all available vacation accruals and other applicable accruals (personal day, holiday, compensatory time) before requesting unpaid leave time. Unpaid leave time would follow the Administrative Leave guidelines. (See Article VII, Section 7)

Vacation time taken in excess of two (2) consecutive weeks for the positions of City Manager, City Secretary, Finance Director, Utilities Director, Chief of Police, Fire Chief, and Development Services Manager must have prior approval from the City Manager and Mayor.

All earned vacation time will be paid for at applicable salary rates upon termination.

#### **Vacation Accruals for Administration (Including Fire Chief and Assistant Fire Chief), Animal Control, Development Services, Community Services and Police Personnel:**

Vacation accrues at the rate of 6.67 hours per month, not to exceed eighty (80) hours per year (2 weeks) from date of hire until the employee's fifth (5<sup>th</sup>) anniversary date.

After five (5) full years of continuous employment, vacation accrues at the rate of ten (10) hours per month, not to exceed 120 hours per year (3 weeks) until the employee's tenth (10<sup>th</sup>) anniversary date.

After ten (10) full years of continuous employment, and each year thereafter, vacation accrues at the rate of 13.34 hours per month, not to exceed 160 hours per year (4 weeks).

#### **Vacation Carry Forward Policy for Administration (Including Fire Chief and Assistant Fire Chief), Animal Control, Development Services, Community Services and Police Personnel:**

At the end of each *calendar year*, an employee will be allowed to carry forward accrued vacation time that is less than or equal to the amount of their annual eligible accruals. Any hours in excess of the allowable carry forward hours will be lost.

- An employee with less than five (5) years of continuous employment will be allowed to carry forward up to 80 hours.
- An employee with more than five (5) years of continuous employment but less than ten

(10) years will be allowed to carry forward up to 120 hours.

- An employee with over ten (10) years of continuous employment, and each year thereafter, will be allowed to carry forward up to 160 hours.

### **Vacation Accruals for Fire Department Personnel:**

Vacation accrues at the rate of ten (10) hours per month, not to exceed 120 hours per year, or five (5) twenty-four hour shifts, from date of hire until the employee's fifth (5<sup>th</sup>) anniversary date.

After five (5) full years of continuous employment, Firefighters will accrue fifteen (15) hours per month, not to exceed 180 hours per year, or seven and one-half (7.5) twenty-four hour shifts, until the employee's tenth (10<sup>th</sup>) anniversary date.

After ten (10) full years of continuous employment, and each year thereafter, Firefighters will accrue twenty (20) hours per month, or ten (10) twenty-four hour shifts, not to exceed 240 hours per year.

### **Vacation Carry Forward Policy for Fire Department Personnel:**

At the end of each *calendar year*, a Firefighter will be allowed to carry forward accrued vacation time that is less than or equal to the amount of their annual eligible accruals.

- A Firefighter with less than five (5) years of continuous employment will be allowed to carry forward up to 120 hours.
- A Firefighter with more than five (5) years but less than ten (10) years of continuous employment will be allowed to carry forward up to 180 hours.
- A Firefighter with over ten (10) years of continuous employment, and each year thereafter, will be allowed to carry forward up to 240 hours.

<b>Years Employed</b>	<b>Administration, Community Services, Development Services, Police</b>	<b>Fire</b>
Start day to 5 years	6.667 hours per month / 80 hours per year	10 hours per month / 120 hours per year
5+ years to 10 years	10 hours per month / 120 hours per year	15 hours per month / 180 hours per year
10+ years	13.334 hours per month / 160 hours per year	20 hours per month / 240 hours per year

Any exceptions to the vacation carry forward policy must be submitted in writing and approved by the City Manager or Mayor.

### **Section 2            *Holiday Leave – Revised 09-20-2022***

All regular (full-time) employees are eligible for holidays. All full-time employees in the following departments will receive the following holidays: Administration, Animal Control, Community Services, Development Services, and Police Departments.

New Year's Day	Veterans Day
President's Day	Thanksgiving Day
Easter (Good Friday)	Friday after Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day (July 4th)	Christmas Day
Labor Day	Personal Day

If a holiday falls on a Saturday, the holiday will be observed on the Friday before. If the holiday falls on a Sunday, the holiday will be observed on the Monday after. The Personal Day must be taken within the calendar year and cannot be carried forward to the following year.

Employees required to work on these holidays will receive compensation in accordance with the overtime policy. Holidays occurring on an individual's scheduled day off will be compensated for with straight time salary as approved by the appropriate Supervisor.

### **Fire Department Holidays**

Regular (full-time) firefighters assigned to 24-hour shifts will receive holiday time off at the rate of twelve (12) hours per holiday for the approved holidays listed above, not including the Personal Day. Accruals should be used as soon as feasible; however, no more than sixty (60) hours can be carried forward to the following calendar year. Any hours in excess of the sixty (60) hours will be forfeited. Accrued holiday time will be paid for at applicable salary rates upon termination.

### **Police Department Holidays**

Regular (full-time) police officers, captains, detectives, lieutenants and sergeants will receive holiday time off at 12 hours, in accordance with their 12-hour shifts. A Personal Day at 12 hours is awarded each calendar year and cannot be carried forward to the following year.

### **Section 3        Sick Leave – Revised 12-14-2010**

All regular (full-time) employees are eligible for sick leave. Sick leave is intended for use by the employee for personal injury or illness and may also be used to care for the injury or illness of an immediate family member. For this purpose, the immediate family includes spouse, children, and those for whom the employee is the legal custodian. Under extenuating circumstances, the City Manager may approve the use of sick leave to care for the critical illness or injury of a parent or sibling.

If an employee has an illness or injury that exceeds available sick leave accruals, they must exhaust all other accruals (vacation, personal day, holiday, compensatory time) before requesting unpaid leave time. Unpaid leave time would follow either the FMLA guidelines (see Article VII, Section 5) or Administrative Leave guidelines. (See Article VII, Section 7)

All employees are required to contact their Supervisor directly within thirty (30) minutes of the start of their regular work day when reporting the use of sick leave, as well as for each subsequent day for which sick leave is used. Leaving a message on the recorder or with a co-worker is not acceptable. If the Supervisor does not answer the initial call, contact should be made with the next level of authority (Department Head, City Manager) within the thirty (30) minute requirement.

### **Administration (including Fire Chief and Assistant Fire Chief), Animal Control, Community Services, Development Services, and Police Personnel:**

Each eligible employee accrues eight (8) hours of sick leave for each calendar month of full-time

employment up to a maximum of 96 hours for each calendar year.

Each time an employee accumulates 288 hours of sick leave, the City will offer to “buy back” 96 hours from the employee at 50% of the employee's current hourly salary. If the employee chooses not to sell back sick hours, he/she will be allowed to accrue additional hours above 288 with no maximum limit. If the employee has more than 288 hours, he/she may request the City to “buy back” a block of 96 hours. A maximum of one (1) “buy back” block is allowed every rolling 12 month period.

Sick hours are not reimbursable at termination.

### **Fire Department Personnel:**

Each regular (full-time) firefighter accrues ten (10) hours of sick leave for each calendar month of full-time employment up to a maximum of 120 hours for each calendar year.

Each time a firefighter accumulates 360 hours of sick leave, the City will offer to “buy back” 120 hours from the employee at 50% of the employee's current hourly salary. If the employee chooses not to sell back sick hours, he/she will be allowed to accrue additional hours above 360 with no maximum limit. If the employee has more than 360 hours, he/she may request the City to “buy back” a block of 120 hours. A maximum of one (1) “buy back” block is allowed every rolling 12 month period.

Sick hours are not reimbursable at termination.

### **Section 4            *Family Funeral Leave***

A paid leave, not to exceed five (5) days, may be granted to employees due to a death in the immediate family. For this purpose the immediate family includes spouse, child, parent, sister, brother, spouse's parent, and those for whom the employee is the legal custodian. A paid leave, not to exceed two (2) days, may be granted to employees due to a death of other family members. All funeral leave is to be approved by the Department Head prior to being taken.

### **Section 5            *Family & Medical Leave (FMLA) – Revised 04-17-2018***

**Purpose:** To provide employees with a basic understanding of their rights and responsibilities under the Family & Medical Leave Act (“FMLA”).

**Eligibility:** This policy applies to all employees eligible for leave under FMLA. An employee who has been employed at the City of Horseshoe Bay for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the request for leave is eligible for FMLA. Paid absences (including Workers' Compensation, Short Term Disability, Long Term Disability, and other paid or unpaid time off) prior to taking FMLA, are not included in the 1,250 work hours referenced above.

The 12 months of employment need not be consecutive. If an employee has a break in service that lasted seven years or more, the time worked prior to the break will not count, *unless* the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

**Policy Statement:** The City of Horseshoe Bay will grant employees leave under FMLA for up to 12 workweeks during any 12-month period.

**Leave Entitlement:** An eligible employee is entitled to take up to 12 weeks of job-protected FMLA for the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status.

**Qualifying Exigencies:** Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

**Military Caregiver Leave:** An eligible employee may also take up to **26 workweeks** of unpaid, job-protected FMLA leave during a “single 12-month period”:

- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the servicemember.

A covered servicemember is either:

- 1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
- 2) A veteran of the Armed Forces, including a member of the National Guard or Reserves, who discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.

**Medical Certification:** The city requires medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee’s own serious health condition. Medical certifications must be returned to the Human Resources Department within fifteen (15) calendar days. Recertification may also be required every 30 days. An employee will be notified if recertification is required. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee needed to provide care. For the employee’s own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant’s genetic information is inadvertently received by the City, the City will return it to the health care provider and not use genetic information for any employment decision

or action.

**Certification of Qualifying Exigency for Military Family Leave:** The City also requires a Certification of Qualifying Exigency for Military Family Leave for employees requesting Military Leave, under the FMLA. If requesting leave for Rest and Recuperation leave, the City requires a copy of the military member's Rest and Recuperation orders, or other documentation confirming the dates of member's leave.

**Maximum Time Allowed:** The maximum amount of Family and Medical Leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one Family and Medical Leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care for an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.

**FMLA "Leave Year":** For the purposes of this policy, the City will use a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Available leave is determined by subtracting the number of weeks of FMLA leave taken during the 12-month "look back" period from the 12-week total allotment.

**Use of Leave:** An employee may use FMLA for a continuous FMLA leave (in one block of time) or an intermittent or reduced schedule when medically necessary (intermittent FMLA leave). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations.

**Intermittent Leave:** When medically necessary, an employee may take Family and Medical Leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

**Extended Leave:** Employees on extended FMLA leave must check in every 30 days by phone or email with the Human Resources Department or supervisor.

**Exempt Employees:** Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

**Recordkeeping:** Family Medical Leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of the Family and Medical Leave.

**Pay During FMLA:** Under the FMLA, Family Medical Leave generally is unpaid. However, the City has made provisions for employees to receive pay during FMLA under certain circumstances

as described below:

**Substitution of Paid Leave:** An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation followed by any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued sick leave, vacation leave and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, and the employee is not receiving Short Term Disability benefits, sick leave must be utilized until the employee receives a release from the doctor. After being released, the employee must use additional sick leave prior to going on unpaid leave. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation, compensatory time, holiday leave and any other accrued paid leave, prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition, and is not receiving Short Term Disability benefits, shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury or illness, and the employee qualifies for Family and Medical Leave, it will run concurrently with any paid leave. The City reserves the right, and will administer that right, to count any paid leave that qualifies for Family and Medical Leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

**Short Term Disability (STD):** An employee may be eligible for STD benefits during FMLA. STD & FMLA leave will run concurrently, if the employee is eligible for FMLA. Employees are not required to use accrued sick, vacation or personal days while receiving STD benefits. However, employees may supplement STD benefits by using accrued sick, vacation and personal days. Employees are allowed to supplement their pay in an amount not to exceed 100% of combined STD benefits and supplemental pay.

**Workers' Compensation "Lost Time":** FMLA runs concurrently with Workers' Compensation Lost Time if the basis for the Lost Time also meets the definition of a serious health condition under the FMLA and the employee is eligible for FMLA. Employees may supplement Workers' Compensation payments by using accrued sick, vacation and personal days. Employees are allowed to supplement their pay in an amount not to exceed 100% of combined Workers' Compensation benefits and supplemental pay.

**Health Insurance:** During an employee's FMLA, the City will maintain health insurance and other group health benefits on the same conditions as if the employee was working, subject to applicable plan documents and the law. If the employee wants benefits to continue during FMLA, he/she must continue to pay the share of the premiums for those benefits at the same contribution rate as if he/she were an active employee. If the portion of FMLA is paid, the employee's share of the benefit premiums will be paid through automatic payroll deductions. For unpaid FMLA, the employee will be billed and must make payments for his or her share of the premiums on a monthly basis. The City's obligations to maintain health benefits cease if an employee fails to pay his/her share of premiums for which he/she is billed.

**Benefits Accrued Before FMLA:** Use of FMLA will not result in the loss of any employment benefit that accrued prior to the start of the leave.

**Retirement Plan:** FMLA will be treated as continuous service (i.e., no break in service) for

purposes of vesting and eligibility to participate in the City's retirement plan.

**Accruals of Vacation, Personal and Sick Leave During FMLA:** Employees will not accrue vacation and other benefits while on unpaid FMLA.

**Holidays During FMLA:** Employees on an unpaid FMLA leave are not eligible for holiday pay. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of Family and Medical Leave, whether the employee is on paid or unpaid leave.

**Allowances:** Employees will not receive allowances (i.e, phone allowance, car allowance, etc.) while on unpaid FMLA leave.

**Effect on Married Couples:** If a City employee is married to another City employee and either or both employees request Family and Medical Leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying Family and Medical Leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

**Outside Employment:** Outside employment must be suspended while on FMLA leave.

**Returning to Work:** Prior to returning to work when an employee has been out for the employee's own illness, employees will be required to furnish a Fitness-for-Duty Certification to the Human Resources Department.

**Second and Third Opinions:** If the employee is unable to return to work without restrictions, the City will review the restrictions and make every attempt to accommodate such restrictions according to the Americans with Disabilities Act (ADA). (See Article I, Section 9). If the validity of the Fitness-for-Duty Certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

**Job Restoration:** Most employees will be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms after FMLA.

**Employee Responsibilities:** Consistent with the City's policy regarding all types of leave, the following conduct is strictly prohibited in relation to FMLA leave:

- Engaging in fraud, misrepresentation or providing false information to the City or any health care provider.
- Having other employment during the leave, without prior written approval from the City.
- Failure to comply with the employee's obligations under this policy.
- Failure to timely return from the leave.

Employees who engage in conduct described above will be subject to loss of benefits, denial or



termination of leave, and disciplinary action, up to and including termination.

**Requesting Leave:** An employee must provide 30 days advance notice to his or her manager of the need to take FMLA when the need for leave is foreseeable. When 30 days' notice is not possible, the employee must provide notice to his or her manager as soon as practicable and must comply with the City's normal call-in procedures.

Employees who have been approved for FMLA will also be required to indicate FMLA time on his/her Leave Request Form and/or timesheet when utilizing FMLA.

**Department/Supervisor Responsibilities:** Each department supervisor is responsible for notifying the Human Resources Department immediately when an employee is away from work for a Family and Medical Leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resources Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department and non-administrative Police Department employees, or once the employee exceeds three (3) days or two (2) or more shifts for Fire Department and non-administrative Police Department employees.

**Human Resources Responsibilities:** Human Resources is responsible for the central administration of all requests, approval and notifications for Family and Medical Leave. Human Resources will inform an employee requesting FMLA of his/her rights and responsibilities under FMLA and will notify the employee whether he or she is eligible under FMLA. If he or she is eligible, Human Resources will inform employees of additional obligations, including the need for medical certification supporting the need for FMLA, as well as notify the employee of any additional information required. If Human Resources determines that the leave is not FMLA-protected, Human Resources will notify the employee and provide a reason for ineligibility. Human Resources will also inform the employee if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA entitlement. All FMLA designations will be made by Human Resources. Confidential medical information that accompanies an application shall be submitted directly to the Human Resources Department. The Human Resources Department reserves the right to automatically place an employee on Family and Medical Leave if it is determined that a qualifying event has occurred. The Human Resources Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

**The City's Commitment:** The City will not interfere with, restrain or deny the exercise of any right provided by the FMLA, nor will it discharge or discriminate against any individual for opposing any practice or involvement in any proceeding relating to the FMLA. The City will not discipline, evaluate less favorably, or otherwise penalize or retaliate against any individual for inquiring about, initiating or taking a legally protected leave of absence. The City will adhere to federal regulations regarding the Family and Medical Leave Act. This policy is not intended to cover all specifications of the FMLA regulations, and the City will refer to the regulations for additional clarification and/or definitions.

## **KEY DEFINITIONS:**

**Serious Health Condition:** A serious health condition is defined in general as an illness, injury, impairment or physical or mental condition that involves:

- 1) Inpatient care in a hospital, hospice or residential medical care facility
- 2) A period of incapacity of at least three consecutive days and at least one of the following:
- 3) At least two treatments or visits by a health care provider within 30 days;
- 4) At least one treatment by a health care provider that results in a regimen of continuing treatment under the health care provider
- 5) Any incapacity due to pregnancy or for prenatal care
- 6) Any incapacity for a chronic health condition that requires periodic visits to the health care provider, continues over an extended period of time and that may cause episodes of incapacity rather than a continuous period of incapacity
- 7) Permanent or long-term incapacity that is not treatable
- 8) Any period of absence to receive multiple treatments

**Spouse:** Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state.

**Parent:** Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents “in law.”

**Son or Daughter:** Son or daughter means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

**In Loco Parentis:** The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.

**Health Care Provider:** Federal regulations definition is as follows:

- (a) The Act defines *health care provider* as:

- (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or
  - (2) Any other person determined by the Secretary to be capable of providing health care services.
- (b) Others capable of providing health care services include only:
- (1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;
  - (2) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;
  - (3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;
  - (4) Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
  - (5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.
- (c) The phrase authorized to practice in the State as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

## **Section 6            *Military Leave (Revised: 08-29-2017)***

### **Policy:**

The City of Horseshoe Bay complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, in active duty training and full-time National Guard duty.

Eligible employee classification for Military Leave:

- Full time employees

Revised: February 18, 2025

**A. Paid and Unpaid Leave for Training and Active Duty**

- I. **Full Pay for Up to 15 Days:** Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. Military time will not count as time worked for the purposes of determining overtime. Unused military leave cannot be carried over to the next fiscal year.
- II. **Other Paid Leave:** Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave, personal day) to cover their absence from work.
- III. **Unpaid Leave:** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

**B. Requesting Leave**

Employees must provide a copy of orders and/or the annual drill schedule as soon as available. Employees must submit a Leave Request Form to their Supervisor as soon as possible and it must be accompanied by a copy of the military order, directive, notice or other document requiring absence from scheduled work. Travel time included in the orders may be counted as military leave. Military leave will be granted without loss of seniority.

**C. Using Military Leave**

If the training exceeds fifteen (15) regularly scheduled working days in a fiscal year (October 1 – September 30), employees may elect to use accrued vacation time or the accrued personal day during their absence.

**D. Active Duty Order**

Employees directed to participate in extended military duties in the U.S. Armed Forces that exceed fifteen (15) workdays will be placed on an unpaid military leave of absence status for a period of as long as five (5) years. However, employees on extended military leave may elect to use accrued vacation time or the accrued personal day during their absence.

**E. Exceptions to the 5-Year Period**

Employees participating in extended military leave may be entitled to an exception of the 5-year limit. Exceptions are grouped into three broad categories:

- I. The employee is unable, through no fault of the employee, to obtain release from service or service in excess of five years to fulfill an initial period of obligated service.
- II. The employee must participate in required drills and annual training and other training duty certified by the military necessary for professional development or skill training/retraining.
- III. The employee is performing service during time of war or national emergency or for other critical missions/contingencies/military requirements. Involuntary service of this type is exempt from the 5-year limit. Voluntary service in support of the

mission/contingency/military requirement is also exempt.

## **F. Benefits While on Leave**

### **I. Medical & Dental Insurance**

While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage, through COBRA, for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

### **II. Other Benefits**

While on *paid* military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining length of service, such as vacation accrual.

### **III. Retirement**

The City will comply with USERRA requirements pertaining to employee retirement plans offered by the City.

## **G. Returning from Leave**

I. **Return to Work:** A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall reemploy a returning veteran according to the provisions of USERRA.

II. **Deadline to Notify City of Intent to Return to Work:** The deadline for an employee to return to work or notify the City that the employee intends to return to work following military leave depends on how long the employee's military service lasted:

- a. For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- b. For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- c. For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for two years or more when an employee suffers service-related injuries that prevents the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

- III. **Required Documentation:** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service.

## **Section 7           Administrative Leave**

During periods in which the City Manager deems it advisable for an employee(s) not to report to work, the affected employee(s) may be granted an administrative leave of absence at full pay.

For personal or other reasons, an employee may need to be temporarily released from the duties of his/her job, but may not wish to submit his/her resignation. Under certain circumstances, the employee may be granted an unpaid leave of absence for a maximum of thirty (30) days.

The employee must apply in writing for an unpaid leave of absence, setting forth the reason for the leave, the date on which the leave is to begin, and the date on which the employee will return to active employment. The leave request will be submitted to the Supervisor and/or Department Head, who will bring the request to the City Manager for approval. A leave will be granted only when operating conditions at the City permit. The needs of the City will determine the number of employees allowed out on unpaid leave at any one time.

## **Section 8           Civil Leave (Jury Duty)**

Employees will be granted civil leave with pay for jury duty, for the purpose of voting, or for serving as a subpoenaed witness in an official proceeding where the employee is neither the defendant nor the plaintiff. When an employee has fulfilled the reason for the civil leave, he or she must report to the City for the remainder of the workday. Employees may retain any fees or compensation received for jury services.

## **Section 9           Shared Leave Policy – Implemented 07-17-2018 (new section)**

### **A. Recipient Eligibility**

In order to receive Shared Leave an employee must meet the following eligibility requirements:

1. Must be an active, regular, full-time employee eligible and approved for an FMLA leave as determined by Human Resources.
2. The employee, or the employee's designee, must provide a written request for Shared Leave on a standard application form available from Human Resources.
3. The employee's total paid leave balance must be fewer than 80 hours at the time of application and no more than zero hours at the time additional paid leave is granted from the Shared Leave pool.
4. The employee will only be eligible to receive the number of hours for which he or she is FMLA-approved as determined by the occurrence and duration listed on the approval provided by Human Resources.
5. The maximum amount of Shared Leave an employee may be granted is 480 hours during

the 12-month period following an approved written request for shared leave.

6. Shared Leave that is actually used is provided in the form of paid leave, paid at the recipient's own rate of compensation. These amounts are considered "wages" for purposes of FICA, FUTA, the Federal Unemployment Tax Act, the Railroad Retirement Unemployment Repayment Tax, and income tax withholding, unless excluded there from under a specific provision of the Internal Revenue Code.
7. If the employee's FMLA event expires at a time that the employee has a balance of unused Shared Leave previously granted for the same medical emergency, the unused Shared Leave hours will be forfeited and reccredited to the Shared Leave pool.

#### B. Donor Eligibility

In order to donate Sick Leave an employee must meet the following eligibility requirements:

1. Must be an active, regular, full-time employee.
2. The employee must have a sick leave balance equal to or greater than the amount of sick leave being donated.
3. The employee must complete a Shared Leave Donation Form.
4. Upon approval, the employee's sick leave donation will be expressed as hours and credited to the Shared Leave pool.
5. The employee may not accept any type of payment or gratuity in exchange for donating sick leave.
6. The maximum amount of sick leave an employee may donate during a 12-month period is 48 hours.
7. No donation may bring the employee's sick leave balance below 80 hours unless the employee has already submitted his or her resignation or notice of retirement.
8. An employee who donates hours to the Shared Leave pool does not recognize any income and incurs no deductible expense or loss either upon the donation of the leave or upon its use by the recipient (there's no monetary value to the hours).

#### C. Pool

1. Shared Leave donations and forfeited Shared Leave hours will be credited to a pool of hours to be held until the time that the recipients are qualified and granted Shared Leave.
2. Employees may make donations to the Shared Leave pool at any time throughout the year.
3. Shared Leave hours will remain in the pool and will be applied as of the first day of each pay period and only as needed in that pay period for each individual Shared Leave recipient whose application has been approved.
4. In the event an employee is granted more hours of Shared Leave than actually needed for a pay period, the excess hours will be reccredited to the pool for use by future recipients.

#### D. Application and Approval

Employees requesting Shared Leave must submit a Shared Leave Application to Human Resources. FMLA certification is required to determine eligibility for Shared Leave. FMLA will be initiated upon receipt of the Shared Leave Application, if it has not already been done.

If the employee is not capable of making a request on his or her own behalf, a family member or other designee may make the request. The Human Resources department will receive and verify eligibility for all applications to donate or receive shared leave.

#### **E. Making Donations**

The Human Resources department may, from time to time, issue requests for donations of Sick Leave hours to the pool. Eligible employees who wish to donate Sick Leave should complete a Shared Leave Donation Form and return it to the Human Resources department. Donated Sick Leave hours will be deducted from the employee's Sick Leave balance as of the last day of the pay period in which the donation was approved.

Once the Sick Leave donation has been approved, the donor may not retract the donation.

#### **G. Confidentiality**

Medical information provided through the Shared Leave and FMLA process will be held confidential, unless there is a "need to know." Those who are in a position of "need to know" will be provided with information that may be used in determining accommodations or other work-related reasons. Donors are not considered those who "need to know." Information about the need for shared leave may be communicated to employees as needed.

#### **H. Human Resources Roles & Responsibilities**

Human Resources is responsible for reviewing all Shared Leave applications and will determine eligibility to receive and/or donate leave based upon the Shared Leave Policy. Human Resources is also responsible for all FMLA paperwork, including distribution of FMLA documents and determining eligibility for FMLA according to FMLA regulations.

#### **I. Supervisors Roles & Responsibilities**

Supervisors will direct all requests to receive and/or donate Shared Leave to the Human Resources department. Supervisors will not encourage or discourage participation to receive or donate Shared Leave.

### **LIMITATIONS**

A. The decision to donate Sick Leave hours to the pool should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave or directly solicit leave donation for that person or other employees shall be subject to disciplinary action, up to and including termination.

B. Sick leave hours may not be donated retroactively.

C. Recipient must exhaust all accrued Sick, Vacation, and Personal Days prior to using Shared Leave. Additional leave hours will not accrue during a pay period in which the employee is



using Shared Leave for more than 50% of that period.

D. Shared Leave may only be used to complete 40 hours for the workweek and will not be counted toward overtime.

E. Shared Leave holds no cash value; any unused Shared Leave is forfeited to the pool upon termination or retirement.

F. Grants of Shared Leave may only be used for the FMLA leave event for which they were approved.

Violations of this policy can result in disciplinary action, up to and including termination.

### **Section 10      *Failure to Return from Leave***

An employee who is unwilling or unable, for any reason, to return to work following an approved leave of absence will be dropped from the payroll. The employee will be considered for reemployment upon request, if a position is available for which the employee is qualified.

### **Section 11      *Inclement Weather and Other Emergency – Implemented 12-10-2019***

The City acknowledges occasions of severe weather and the impact of those conditions. During those times, the City will maintain its commitment to the citizens while ensuring the safety of our employees.

J. Notification of City Closures/Delays: In the event the City Manager, or designee, determines that City offices must be closed due to inclement weather or other disaster, the City Manager, or designee, will notify all Department Heads. Department Heads will in turn notify their respective staff.

K. Non-Emergency Personnel: When conditions are such that the City Manager, or designee, declares City offices officially closed, all regularly scheduled full and part time non-emergency personnel scheduled to work will be excused for the day without penalty or loss of pay. The Closure Day will not count as time worked for the purposes of determining overtime. If the City Manager, or designee, declares a delayed opening or early closing, employees will be paid for those delayed hours.

L. Emergency Service Personnel: Certain emergency service personnel will be required to work even when City offices are declared closed. Police and Fire personnel are considered Emergency Service Personnel. Other employees may be designated as Emergency Service Personnel by their Department Head, according to the needs of the department and the City. Emergency Service Personnel will receive normal pay for hours worked during a designated closure.

If City offices are not officially declared to be closed due to inclement weather or other disaster, all employees are expected to make every effort to arrive at work, regardless of weather conditions. However, if an employee feels that driving conditions would constitute a danger to his/her life and/or property, he/she may elect to use a personal day

or vacation time. If vacation time is not available, the employee may use sick time. If leave is not available, the employee will not be paid for that time off. Employees are expected to contact their supervisor before the workday begins or as soon as possible.

## **Section 12      *Paid Quarantine Leave – Implemented 07-20-2021***

### **PURPOSE**

The purpose of this policy is to provide guidance in accordance with Section 180.008 of the Local Government Code regarding paid quarantine leave for Firefighters, Peace Officers, Detention Officers and Emergency Medical Technicians. The quarantine leave will be used to quarantine or isolate Firefighters and Peace Officers due to a possible or known exposure to a communicable disease **while on duty**. The City of Horseshoe Bay recognizes that employee health and safety is important. The City supports establishing a workplace that is comfortable, healthy, safe, and supportive.

This policy will be applied with the Workers Compensation Policy, as this leave is granted only for on-duty exposures.

### **SCOPE**

This policy applies to all Firefighters and Peace Officers employed by the City of Horseshoe Bay.

### **DEFINITIONS**

"Firefighter" means a paid employee of the fire department who:

- (A) holds a position that requires substantial knowledge of firefighting;
- (B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- (C) performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by or appointed by the City.

### **POLICY**

The use of quarantine leave may be granted after a Firefighter and/or a Peace Officer who has had a possible or known exposure to a communicable disease while on duty. The political subdivision's health authority will determine when a threat of highly communicable or life-endangering diseases are immediately present and may release orders for applicable/essential workers to follow general quarantine protocols. When this occurs, department supervisors will allow for the use of quarantine leave based on the health authority's protocols for appropriately dealing with the disease and/or its prevention of community spread. Employees will be released from quarantine leave based on guidance from the local health authority.

Employees are required to file all workers compensation notifications, as this leave will run concurrently with the worker's compensation process.

Applicable employees on paid quarantine leave will be treated consistently with other worker's

compensation claims and continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on quarantine leave, the employee may not use any other paid leave type (vacation, sick, holiday).

When applicable, employees who must be quarantined may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical and transportation. The employee must receive approval from Human Resources prior to incurring quarantine expenses. Employees will be expected to provide receipts for reimbursement which will be presented to Human Resources for appropriate review and processing in coordination with Finance.

## **COMMUNICATION AND IMPLEMENTATION**

The Police and Fire Department will coordinate with Human Resources to ensure this policy is implemented as applicable. Upon notification, Human Resources will follow appropriate steps to ensure applicable leave is communicated to the employee and will ensure any and all ADA and FMLA is applied when necessary.

### ***Section 13 TIFMAS and Regional, State, and National Emergency Deployment for Fire Personnel – Implemented 02-18-2025***

## **PURPOSE**

The purpose of this policy is to establish guidelines for the deployment of the City of Horseshoe Bay Fire Department personnel and resources in response to requests from the Texas Intrastate Fire Mutual Aid System (TIFMAS), regional, state, and national emergency management agencies during disaster incidents requiring deployment of additional support.

## **SCOPE**

This policy applies to all fire department personnel, equipment, and resources authorized for deployment under TIFMAS or other regional, state, and national emergency agreements.

## **DEFINITIONS**

- **TIFMAS:** Texas Intrastate Fire Mutual Aid System, a coordinated effort to provide mutual aid and support for fire and emergency services across Texas.
- **Deployment:** The assignment of personnel and resources to assist in emergency operations outside the City of Horseshoe Bay.
- **State Emergency Deployment:** Assignments initiated by state emergency management agencies in response to significant incidents.

## **POLICY STATEMENT**

The City of Horseshoe Bay Fire Department is committed to supporting national, state, and regional emergency response efforts through participation in TIFMAS and other coordinated emergency deployment organizations, while ensuring the protection and safety of its community.

### **I. GENERAL PROVISIONS**

#### **A. Participation**

- The Fire Chief or their designee will determine the availability of personnel, resources, and apparatus for deployment.

- Participation in TIFMAS and other regional, state, and national deployments is voluntary for personnel unless otherwise specified by the Fire Chief.

#### B. Authorization

- All deployments must be authorized by the Fire Chief or their designee.
- The Fire Chief may designate one officer to act as Deployment Manager and one assistant of any rank to act as the Assistant Deployment Manager and assign duties as necessary for operations.
- The City Manager, Human Resources Director, and Finance Director will be informed of deployment decisions.

#### C. Eligibility

- Personnel must meet TIFMAS training and certification requirements to be eligible for deployment.
- Apparatus and equipment must meet TIFMAS standards and be maintained in deployable condition.

#### D. Guidelines

To meet the staffing demand for deployments, the Horseshoe Bay Fire Department and other regional partners will utilize the following guidelines to meet mission needs. Teams can be deployed according to the following:

##### I. Wildland Team

- One (1) Officer (or acting officer)
- One (1) Engineer (or acting engineer)
- Two (2) Firefighter/Paramedic or EMT (in good standing with one year in HSBFD)

##### II. All-Hazards Team

- One (1) Officer (or acting officer)
- One (1) Engineer (or acting engineer)
- Two (2) Firefighter/Paramedic or EMT (in good standing with one year in HSBFD)

##### III. Water Rescue Team

- One (1) Officer (or acting officer)
- One (1) Engineer (or acting engineer)
- Two (2) Firefighter/Paramedic or EMT (in good standing with one year in HSBFD)

## 2. **DEPLOYMENT PROCEDURES**

#### A. Notification and Activation

- Deployment requests will be received through TIFMAS or regional, state, and national emergency management channels.
- The Fire Chief or their designee will review the request and assess resource availability.

- Deployment Manager or Assistant Deployment Manager may be designated as responsible for maintaining the department deployment roster to determine the availability of personnel, apparatus, and equipment to respond.
- Some events may restrict personnel that can be deployed due to specialized training requirements or time factors. These situations may require the Deployment Manager or Assistant Deployment Manager to select personnel without utilizing the deployment roster.

#### B. Deployment Response Procedures

- Personnel must be physically present at Fire Station 1, or alternate location as determined by the Fire Chief, within two hours of notification or as directed by the requesting agency.
- Personnel must be ready with all personal equipment and supplies necessary for the duration of their deployment.
- Failure to meet all response requirements may result in loss of deployment.
- Crews must be prepared for 14 days of deployment.
  - Exceptions due to family emergencies will be considered and coordinated by the Deployment Manager.
  - Crew-swaps may occur after 7 days.
- Individuals will be responsible for obtaining meals, water, and equipment during the first 72 hours of deployment.
- Crews will be assigned, as deemed appropriate, by the Officer in Charge of the deployment. Horseshoe Bay Fire Department's participation in these deployment missions may result in Horseshoe Bay units potentially being under the command and control of a different agency. All personnel will operate appropriately under the chain of command assigned.

#### C. Deployment Duration

- Deployments will typically not exceed 21 days, excluding travel time, unless extended by mutual agreement.
- Personnel rotation may be arranged for deployments exceeding 21 days to ensure operational readiness and safety.

#### D. Compensation and Reimbursement

- The State of Texas reimburses all eligible expenses, plus a 5% administrative fee. Eligible expenses include:
  - Travel costs, including flights, hotels, and per diem as per the City of Horseshoe Bay
  - Fuel and replacement or repair of equipment used for the deployment
  - Personnel costs including backfill expenses

- Compensation for the hourly use of apparatus.

The intent of this program is to ensure no entity sending personnel incur any expenses

- Personnel deployed under TIFMAS or regional, state, or national emergencies will be compensated according to applicable agreements from the requesting agency and city policies.
- The City of Horseshoe Bay will seek reimbursement for personnel, equipment, apparatus, and related expenses in accordance with TIFMAS or regional, state, and national guidelines.
- Personnel will be compensated at the normal pay rate for their position if deployment dates occur on their regularly scheduled work shifts. The overtime rate will apply to all other time worked outside of their normal schedule and the required minimum 24 hours of post deployment recovery time.
- Lodging shall be reimbursed as charged, not to exceed \$125 per day, per person. City issued P-cards shall be used to the extent possible.
- The per diem reimbursements shall be calculated based on federal GSA rates as outlined in city policy. Per diem rates shall be paid for the first 72 hours of deployment (or until the requesting agency provides meals) and for post-deployment return travel.
- Each person deployed is responsible for all appropriate documentation to fulfill mission and reimbursement requirements.
- If privately owned vehicles are used for deployment, FEMA reimbursement rates will apply and must be documented on form ICS 214.

#### E. Safety and Accountability

- Deployed personnel must follow all safety protocols and incident command system directives.
- Regular status updates will be provided to the Fire Chief or their designee.
- All damaged apparatus and equipment shall be documented at the time of damage and reported to the Fire Chief or their designee.
- All injuries or illnesses while deployed shall be documented and reported to the Fire Chief or their designee.

### **3. POST-DEPLOYMENT**

#### A. Demobilization

- Personnel and equipment will be returned to service in a timely manner.
- Apparatus and equipment will be inspected, cleaned, and repaired as needed.
- Personnel returning from deployment are required to have a minimum of 24 hours of off-shift recovery time upon return. After the recovery period, personnel are expected to report for duty or return to their next regularly scheduled shift.

#### B. Debriefing and Reporting

- A post-deployment debriefing will be conducted to review operations and identify lessons learned.
- A deployment report will be prepared and submitted to the Fire Chief.

#### **4. COMMUNITY IMPACT MITIGATION**

##### **A. Coverage During Deployment**

- The Fire Chief will ensure staffing remains normal and resources remain available to meet local needs.
- Automatic Aid and Mutual Aid agreements will remain in effect to ensure coverage in all jurisdictions affiliated with automatic aid.

## **ARTICLE VIII. EMPLOYEE BENEFITS**

### **Section 1 Insurance – Medical, Dental – Revised 09-18-2018**

All regular (full-time) employees are eligible for group medical insurance and group dental insurance coverage. Coverage begins on the first day of the month after the employee's first day of work (date of hire). Currently the City pays one hundred percent (100%) for the employee's coverage. Coverage for the employee's immediate family is available but does require monetary participation by the employee.

### **Section 2 Group Life Insurance**

All regular (full-time) employees are eligible for group life insurance coverage at the rate described below. Coverage begins on the first day of the month after the employee's first day of work (date of hire). Currently the City pays one hundred percent (100%) for the employee's coverage. Coverage for the employee's immediate family is available but does require monetary participation by the employee.

- Non-exempt Employees - \$15,000 of life insurance
- Exempt Employees - \$30, 000 of life insurance
- City Manager - \$ 50,000 of life insurance

### **Section 3 Social Security and Medicare**

All employees of the City are covered by Social Security and Medicare. The City is required by federal law to match each month's employee contribution into Social Security and Medicare.

### **Section 4 Retirement Plan -- Revised 10-11-2022**

The City offers employees two ways to contribute to retirement: through the TMRS (Texas Municipal Retirement System) pension plan and the supplemental 457(b) plan.

All regular, full-time employees with the City will be automatically enrolled in the tax deferred TMRS pension upon hire. Contribution to this pension fund is 7% of gross wages per paycheck. The City matches this contribution on a 2 to 1 ratio with funds becoming vested after 5 years. Employees are eligible to retire with 20 years of service at any age or at age 60 with at least 5 years of service.

Employees may also contribute a percentage of their eligible wages, through pre-tax payroll deductions, to a supplemental 457(b) plan. Employees are immediately 100% vested in 457(b) contributions and earnings. Employee contributions cannot exceed the annual deferral limits established by the IRS.

## **Section 5            *Workers' Compensation – Revised 12-14-2010***

The City provides worker's compensation benefits to all employees who are injured on the job while in the course and scope of employment. Worker's compensation benefits include payment for medical expenses related to the injury, as well as partial salary continuation benefits beginning on the eighth day of disability. If you are injured on the job, you must report the incident immediately to your Supervisor. A First Report of Injury Form must be completed by your Supervisor and must be forwarded to the Human Resources Administrator immediately but in no case later than forty-eight (48) hours after the accident. Failure to report your injury may affect your eligibility to receive worker's compensation benefits and may delay your benefit payments. It is the policy of the City to investigate those claims that may be deemed as frivolous and/or unwarranted. An on-the-job-injury (OJI) commences on the date the employee begins missing work due to the OJI. Each employee has a responsibility for knowing and following all policies and procedures pertaining to an OJI.

Worker's compensation benefits do not begin until the employee is off work because of an injury for more than seven (7) days. The employee may elect to be paid any sick or vacation hours that are available for the first seven (7) days.

After the first seven (7) days, a non-exempt employee will begin getting a check from the Worker's Compensation insurance fund. This check is approximately seventy percent (70%) of the wages reported for the employee for the previous three (3) months and is retroactive to the first day of absence from duty and paid on a weekly basis. At this time the City will stop payroll checks to the employee until the employee is released to return to work.

An exempt employee will also begin getting a check from Worker's Compensation insurance fund. The exempt employee should not deposit but should return all Workers' Compensation checks to the Payroll department. The City will continue to pay the salary of the exempt employee.

An employee who sustains a job-related injury, which includes medical attention, must see a doctor that is in the Political Subdivision Workers' Compensation Alliance ("the Alliance") network. The injured employee can choose any doctor within the Alliance Network. As an employer, the City cannot tell the employee to see a specific doctor but can provide a list of Alliance network doctors for the employee to choose from.

If the injured worker chooses to be treated by a non-Alliance doctor, the employee assumes risk of payment for the medical treatment and potential loss of income benefits through Workers' Compensation Insurance.

However, if the injured employee needs immediate medical care, he/she should be taken immediately to the nearest emergency room for treatment. Any follow up visit after emergency room care should then be through the Alliance network.

An employee must:



- As soon as possible, report all on-the-job-injuries to his or her Supervisor.
- Comply with the instructions of the treating physician.
- Comply with requests from Administration and/or the worker's compensation insurance carrier offices pertaining to the administration of the claim.
- Report to his or her Supervisor either in person or by telephone each week while absent from work to report on his or her condition.
- Not perform any work for pay while absent from work due to an OJI.
- Prior to returning to work, provide a written statement from an Alliance doctor certifying the employee has been released to return to work, and specifying the type(s) of work (s)he is capable of performing as well as any limitation(s).

**Failure to comply with the provisions of this policy will result in disciplinary action up to and including immediate termination.**

When an employee is off for a period of six (6) months, their City sponsored group benefits will continue through the end of that month. During any period that the employee is not receiving a paycheck from the City, he/she will be responsible for remitting the amount of the dependent benefit premium, if any, to the Human Resources Administrator. At the end of the six months, the employee will be responsible for remitting the full amount of the employee and dependent benefit premium to the Human Resources Administrator.

**Return to Service** A written statement from an appropriate physician certifying the employee has been released to return to work and specifying the type(s) of work he/she is capable of performing as well as any limitation(s) must be received by the Human Resources Administrator before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid for by the City. Failure to return to work when directed will result in appropriate disciplinary action up to termination.

Follow up visits to an Alliance Doctor, after being released to return to work either at full duty or at light duty, will be allowed during duty hours and will be paid by the City for a reasonable amount of time as pre-approved by the Department Head.

**Light Duty** During the course of an occupational disability leave of absence, if an employee is released by his/her doctor for light duty and upon written notification of such to the Human Resources Administrator, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a position is available in which the City can use the employee's limited services for an interim period of time. If no appropriate light duty assignment can be found that is approved by the employee's doctor, the employee will be placed on inactive status until released by the doctor and worker's compensation to return to his/her previous job. An employee who is able to return to work in **light duty status and perform the tasks of the position** may be required to work in a different department and perform duties not contained within his/her current classification without loss of pay. Light duty status is provided to allow employees to return from a job related injury to minimize absence when light duty work is available that is determined to be appropriate by the employee's doctor.

**Final Release Statement** At the time of final release or settlement of a worker's compensation claim, the employee must furnish the Human Resources Administrator with a

certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any time limitation on the employee's physical condition and the estimated duration of those conditions. The City may require additional information or documentation to evaluate the employee's fitness for duty, to ensure the position the employee is returned to will accommodate the physical limitations, if any, of the employee. The position the employee is returned to may not be the position previously held. The accommodations required or the amount of time elapsing between the injury and return to work may impact the position offered upon return. The City shall ensure seniority, pay, and benefits are returned to the same level as prior to the injury.

Employees released to return to work but refusing to return to work or refusing to accept a reasonable accommodation may be terminated for cause. The employee's doctor or a physician selected by the City shall provide the City with a detailed explanation of the duties the employee can perform and the accommodations required to return to work. The City may require the employee to have an approved physician review the light duty accommodations to approve or disapprove any accommodations.

An OJI may not be used in conjunction or relation with the Family and Medical Leave policy.

## **ARTICLE IX. USE OF CITY PROPERTY**

### ***Section I Use of City Telephones/Cell Phones – Revised 10-01-2023***

Except for emergency situations, personal use of telephones/cell phones is limited to brief calls during scheduled breaks or lunch times. Use of personal cell phones for personal business during a work day must not interfere with an employee's work duties. Excessive use or abuse of personal cell phones is prohibited and any infractions will subject the employee to disciplinary action, up to and including termination. (See Article X, Section 2)

All personal long distance calls made from the City's phone system must be reimbursed to the City on a monthly basis.

The City will adhere to all state issued regulations set in place by Legislative Bill TX SBI893. Unless approved exceptions apply, the use or download of prohibited applications or websites, such as TikTok, is prohibited on all city-owned devices, including cell phones, tablets, desktop and laptop computers, and other internet capable devices.

The City will identify, track, and control city-owned devices to prohibit the installation of or access to all prohibited applications. This includes the various prohibited applications for mobile, desktop, or other internet capable devices.

The City will manage all city-issued mobile devices by implementing the security controls listed below:

- a. Restrict access to "app stores" or non-authorized software repositories to prevent the install of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall un-authorized software from mobile devices.
- d. Deploy secure baseline configurations, for mobile devices, as determined by the City of Horseshoe Bay.

### ***Personal Devices Used for City Business***

If an employee or contractor has a justifiable need to allow the use of personal devices to conduct city business, they may forego a city-owned device in lieu of a monthly phone allowance.

Employees and contractors may not install or operate prohibited applications or technologies on any personal device that is used to conduct city business. City business includes accessing any city-owned data, applications, email accounts, non-public facing communications, city email, VoIP, SMS, video conferencing, CAPPs, city websites, and any other city databases or applications.

### ***Network Restrictions***

The City has blocked access to prohibited technologies on the network. To ensure multiple layers of protection, the City will also implement additional network-based restrictions to include:

- a. Configure agency firewalls to block access to statewide prohibited services on all agency technology infrastructures, including local networks, WAN, and VPN connections.
- b. Prohibit personal devices with prohibited technologies installed from connecting to agency

or state technology infrastructure or state data.

- c. Provide a separate network for access to prohibited technologies with the approval of the executive head of the agency.

### ***Ongoing and Emerging Technology Threats***

To provide protection against ongoing and emerging technological threats to the state's sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional technologies posing concerns for inclusion in this policy.

DIR will host a site that lists all prohibited technologies including apps, software, hardware, or technology providers. The up-to-date prohibited technologies list can be found at <https://dir.texas.gov/information-security/prohibited-technologies>. New technologies can be added to the list after consultation between DIR and DPS.

The City of Horseshoe Bay will implement the removal and prohibition of any listed technology. The City may prohibit other technology threats in addition to those identified by DIR and DPS.

### ***Policy Compliance***

Compliance with this policy will be verified through various methods, including but not limited to, IT/security system reports and feedback to leadership.

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment.

### ***Exceptions***

Exceptions to the ban on prohibited technologies may only be approved by the City Manager. This authority may not be delegated. All approved exceptions to the TikTok prohibition or other statewide prohibited technology must be reported to DIR.

Exceptions to the policy will only be considered when the use of prohibited technologies is required for a specific business need, such as enabling criminal or civil investigations or for sharing of information to the public during an emergency. For personal devices used for city business, exceptions should be limited to extenuating circumstances and only granted for a pre-defined period of time. To the extent practicable, exception-based use should only be performed on devices that are not used for other city business and on non-city networks. Cameras and microphones should be disabled on devices for exception-based use.

## ***Section 2            Use of Radios***

The City owns and operates a municipal frequency radio system. The radio system use is restricted to business, operational and emergency purposes and employees are required to understand and use the most current procedures and protocol. Each Supervisor shall assure the procedures are available to and followed by each employee.

## ***Section 3        Use of City Computers – Revised 10-16-2018***

The computer and all information in the computer is the property of the City. The following

guidelines describe the City's policy for Network and Internet usage. Any abuse of or violations of the following guidelines is prohibited and any infractions will subject the employee to disciplinary action, up to and including termination. (See Article X, Section 2)

- Personal use of the City computers (including electronic communications) is limited to brief use during break or lunch times.
- Deletion, examination, copying or modification of files and/or data belonging to other users without their prior consent is prohibited unless specifically authorized by the IT Administrator.
- Distribution of information gathered from the system to unauthorized persons is prohibited.
- Installation or downloading of hardware or software without the approval of the IT Administrator point of contact is prohibited.
- Employees shall report all computer virus outbreaks to the IT Administrator. The IT Administrator shall take action reasonably necessary to prevent the spread of a computer virus to other computers.
- Use of facilities for commercial gain is strictly prohibited.
- Use of facilities and/or services for viewing, obtaining, or distributing pornographic materials or other materials not specific to City business is prohibited.
- Any unauthorized, deliberate action, which damages or disrupts any devices on the system including but not limited to viruses or other disruptive/destructive programs, is prohibited.
- Allowing unauthorized individuals to access system files is prohibited.
- Unauthorized use of Electronic Mail is prohibited. This includes, but is not limited to, sending junk, harassing, obscene or threatening mail; sending solicitations for the purpose of personal financial gain; forgery of electronic signatures; prolonged or excessive use of electronic mail for personal use and/or attempting to read, delete, copy, or modify the electronic mail of other users. Personal e-mails are to be kept at a minimum and should not be disruptive to daily activities and responsibilities.
- Violation of copyright laws is prohibited.
- Accessing web sites that charge fees for access, software, services or literature is prohibited unless specifically authorized by the Department Head and/or City Manager.
- Online chat is prohibited.
- Streaming online videos is prohibited.
- Streaming online audio (i.e.: radio stations) is prohibited.

- Installing games is prohibited. Playing online games is prohibited.
- Representing yourself as another person is prohibited.

Follow these guidelines to avoid unintentional violations:

- Only access sites on the Internet that are related to your job classification.
- Do not download any files without permission from the IT Administrator.
- If by mistake you find yourself in an inappropriate or questionable site, close the browser immediately either by clicking on the small X in the upper right corner or by clicking on File and then close. Notify the IT Administrator.
- Never open an attachment that you do not expressly know the contents of. Do not open “junk” email or forward chain letters.
- Make sure your virus protection is enabled at all times. Contact the IT Administrator if you are not sure.
- Report any questionable activity or responses to the IT Administrator immediately.

Unscheduled audits of each employee’s computer hardware, software, e-mail, etc., can be performed periodically at the discretion of the City Manager or his/her designee.

#### **Section 4    *Use of City Vehicles – Revised 02-21-2017***

##### **Definition:**

For the purpose of this policy, “vehicles” are any licensed motor vehicle registered to the City. This policy shall not apply to unlicensed vehicles of an equipment type such as graders, backhoes, and mowers.

##### **Scope:**

This policy shall apply to all City employees operating a City-owned vehicle while on-duty or off-duty, official or unofficial, capacity.

#### **Section 4 *Use of City Vehicles***

##### **Guidelines for Operation of Vehicles:**

All City employees who drive a City-owned vehicle are reminded that they work for the public, are driving a vehicle paid for by the public, and are always in the public eye. Therefore, a favorable impression will always be achieved when operating a City vehicle. The following guidelines apply to all employees who drive a City-owned vehicle:

- A. City Vehicles will be used for City official business only. Unless otherwise specified within the policy, exceptions must be due to emergency situations only.

- B. During normal work hours, City vehicles may be taken up to twenty-five (25) miles outside the Horseshoe Bay city limits service area as long as the function is for official City business. Prior written permission from the Supervisor must be obtained for official business greater than a distance of twenty-five (25) miles. *(Not applicable for Take-Home Vehicles)*
- C. Vehicle operators are authorized to stop at convenience stores, restaurants and financial institutions within the Horseshoe Bay city limits service area plus one (1) mile during authorized breaks and lunch periods. *(Not applicable for Take-Home Vehicles)*
- D. All drivers must obey applicable traffic laws.
- E. Employees and passengers are prohibited from riding outside of the vehicles, riding on tailgates or riding in the bed of a truck.
- F. No vehicle shall be operated by a driver who is in an intoxicated or impaired state.
- G. All drivers must possess a valid Texas driver's license that is not suspended or revoked. Employees who operate a City vehicle and have their license suspended or revoked must cease driving a City vehicle immediately and report the incident to the Department Head and/or City Manager immediately.
- H. All employees and passengers are required to wear seat belts while the vehicle is in motion and in accordance with state laws.
- I. While driving a City-owned vehicle, employees are to comply with all state and local regulations regarding the use of cell phones. If voice communications are necessary while driving, employees are encouraged to use hands free connections or pull off the road and park the vehicle in a safe and legal manner.
- J. Sending, receiving, composing or use of text messages or emails on a cell phone, computer, or any type of device by any employee while driving a City-owned vehicle is strictly prohibited. Employees should pull off the road and park their vehicle in a safe and legal manner before attempting to read, respond to, or compose any type of text message or email.
- K. Any accident and/or traffic citation received while operating a City vehicle must be reported to the driver's Department Head and/or City Manager immediately. The employee receiving the citation is responsible for payment of any associated fine. If the employee must be away from work to appear in court, he/she must use paid time from their personal accruals or take time off without pay.
- L. If an accident occurs within the jurisdiction of the City, the City Police must also be immediately notified and summoned to the scene. Based upon the type of accident and whether another person, vehicle, or property is involved, the City Police shall make a determination as to whether to investigate the accident or refer the matter to another law enforcement agency having concurrent jurisdiction.
- M. Any accident occurring outside of the Horseshoe Bay city limits and involving a City vehicle will be immediately reported to the law enforcement agency having jurisdiction over the location of the accident.
- N. Should damage occur to the City vehicle while used for personal use, the employee will be responsible for the repairs or paying the insurance deductible if the accident or damage was caused by negligence on the part of the employee.
- O. After reporting an accident, the Safety Committee will follow the guidelines found in the Accident Rating and Review Policy. (See Article IV, Section 3. F., for details)

## **Additional Guidelines for Take-Home Vehicles:**

Only employees authorized in writing by the City Manager may take home City vehicles after regular working hours and may use those vehicles for after-hours City official business purposes only under the guidelines established by the City Manager. A list of approved operators and take home vehicles will be maintained by the Finance department and brought for review and approval to the City Manager annually by September 1 for the new fiscal year. In addition to the above Guidelines for Operation of Vehicles, the following guidelines apply for Take-Home Vehicles:

- A. Employees assigned a take-home vehicle must live within twenty-five (25) miles of the City Office. Any exception must have the prior written approval of the City Manager.
- B. Special guidance for the Police Chief and the Fire Chief: Because of the life threatening emergency situations encountered by the Police and Fire Departments and the need for immediate return back to duty station in times of emergencies within the City, the Police Chief and the Fire Chief may exclusively utilize the assigned City vehicle for City and personal business at any time anywhere within the state. All personal travel in excess of twenty-five (25) miles of the City will require the Police Chief or Fire Chief to be responsible for their fuel expenses. Any out-of-state usage will require prior advance approval from the City Manager.
- C. Employees subject to call-out and assigned a take-home vehicle are expected to be in a position to respond to the call within thirty (30) minutes or less.
- D. As needed, Supervisors and Department Heads may place any City vehicle and operator in an "on call" status provided the City Manager or designee is notified and approves in advance.

**EXCEPTIONS:** Exceptions, on a case by case basis, will be considered by the City Manager. Exceptions should be addressed in writing to the City Manager for approval at least five (5) working days prior to the needed exception.

**DISCIPLINARY ACTION:** Failure to comply with these policies and procedures may result in disciplinary action up to and including termination.

**ASSIGNED CITY VEHICLES:** Assigned and authorized City Vehicles can be found in Appendix E.



## **ARTICLE X. PERSONNEL ACTIONS -- Revised 03-17-2020**

### **Section I Employee Separation**

All separations of employees from positions in the service of the City will be designated as one of the following types and will be accomplished in the manner indicated: Voluntary Resignation, Incapacity to Return to Work, Retirement, Death, Reduction in Force, or Involuntary Termination.

#### **A. Voluntary Resignation**

An employee may resign by notifying the appropriate Supervisor (or, in the case of Department Heads, the City Manager) of the effective date of said resignation. A written notification should be given as far in advance as possible, but minimum notices are required as follows:

1. The City Manager, Directors and Department Heads must provide thirty (30) days' notice and
2. All other employees must provide two (2) weeks' notice.

Three (3) consecutive days of absence without contacting the immediate Supervisor or Department Head is considered to be abandonment of the job and a voluntary resignation.

#### **B. Incapacity to Return to Work**

An employee may be separated for incapacity to return to work when (i) that employee cannot perform his or her required duties because of a physical, mental, or emotional impairment and (ii) the City cannot make reasonable accommodations due to undue hardship. Leave without pay, or separation because of incapacity to return to work, may be initiated either by the employee or by the City, but in all cases such action must be adequately supported by medical evidence as certified by a competent physician. The City may require this examination by a physician of its choice at City expense. Before an employee is separated for incapacity to return to work, if reasonable accommodations cannot be made, a reasonable effort shall be made to locate alternative positions within the City's service for which the employee may be suited.

The City will comply with the Family & Medical Leave Act, as well as the Americans with Disabilities Act during all applicable situations.

#### **C. Retirement**

An employee may elect to retire at age 60 with at least 5 years of service or any age with at least 20 years of service and shall receive all City Retirement Benefits earned under the approved City retirement plan. (See Retirement Section for more information – Article VIII, Section 4)

#### **D. Death**

When an employee dies, separation papers will be prepared as of the date of death. All death benefits and compensation due the deceased employee shall be paid to the

designated beneficiary of the employee.

E. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, and the needs of the City in determining those employees to be retained.

F. Involuntary Termination

An employee may be involuntarily terminated if he/she has violated any personnel policy of the City. Depending on the circumstances, disciplinary action may be taken prior to termination; however, no employee has an innate right to progressive discipline. An employee can be terminated "at-will", without cause, at any time.

G. Employees Separating in Good Standing

An employee will be considered to have separated in good standing if he or she provides the required notice. The employee must fulfill the notice by working throughout the entire notice in order to provide the appropriate transition of duties. (See Section I. Pay in Lieu for exceptions). An employee who is discharged for incapacity to return to work will also be considered to have separated in good standing.

Employees who separate in good standing will receive:

1. Accrued, unused vacation
2. Eligible for rehire status

H. Employees NOT Separating in Good Standing

An employee who does not separate in good standing or is involuntarily terminated is not eligible for payment of accrued, unused vacation and will not be eligible for rehire.

I. Pay in Lieu

The City reserves the right to accept notice of termination immediately or before the employee-designated notice period expires. In such situation, it is at the sole discretion of the City to pay in lieu of notice and/or allow the employee to separate in good standing.

## **Section 2 Disciplinary Action**

A. Types of Disciplinary Action and Procedures in Using Disciplinary Action

Disciplinary action is necessary from time to time in order that the City operates in as effective a manner as possible. An employee may be counseled, warned, placed on probation, suspended, or terminated due to failure in performance of duties or for detrimental personal conduct.

A Disciplinary Action form (See Appendix I) will serve to document the action taken. All supporting correspondence should be attached to the form and copies distributed to the employee and the Human Resources Administrator for placement in the personnel file. All suspensions and terminations must be approved by the City Manager; all suspensions and terminations of Department Heads must have the

concurrence of the City Council. The Department Head and/or the City Manager will inform the employee of his/her suspension or termination through verbal and written communication in the presence of at least one witness.

All employees should be advised that the use of progressive disciplinary procedures does not create a contract of employment. Employees of the City are at-will employees and may be terminated at any time.

However, the City believes in the opportunity to improve; therefore, the following disciplinary actions shall be followed in all discipline-related cases in which immediate disciplinary action (as described in Section 4 below) is not warranted. The following actions are independent of each other and will be used as appropriate, depending on the discipline warranted. Not all disciplinary actions will be used in each circumstance.

1. **“Counseling” (Verbal Warning)** is defined as an informal meeting where deficient or unsatisfactory job performance is identified by the Supervisor and the employee is provided with counseling and notification that corrective action must be implemented to bring the employee’s performance up to a satisfactory level. The **date and topic** of the counseling shall be recorded as a verbal warning and become part of the employee’s personnel file.

**Use:** Counseling (Verbal Warning). An employee whose work or personal conduct on the job is unsatisfactory will receive counseling and be given an opportunity to improve to a satisfactory level. However, the performance needs of the City and the amount of improvement necessary will dictate the length of time permitted for improvement before more severe action is necessitated. In order to officially be on record that an employee's performance or personal conduct on the job necessitated such counseling or warnings, the date, subject, and facts of the oral counseling shall be documented and entered into the employee's personnel file.

2. **“Written Warning”** is defined as written documentation of deficient job performance that must be corrected for continued employment. Deficiencies are documented in a written format and become part of the employee’s personnel file.

**Use:** Written Warning. Where a more serious action is needed, or when the unsatisfactory service or personal conduct on the job persists, a formal, written warning will be prepared and presented to the employee informing him/her of the corrective action that needs to be taken and what the consequences of failure will be. Progress will be monitored by the Supervisor and appropriate action taken when the Supervisor determines that insufficient progress is being made. A copy of the formal written warning shall be inserted in the employee's personnel file.

3. **“Probation”** is defined as a pre-determined period of time set by the Department Head but being no longer than six (6) months in which an employee has an opportunity to improve personal conduct or job deficiencies. During the probationary time, reviews and evaluations will occur periodically to measure compliance to agreed-upon corrective actions. Documentation of probation will become part of the employee’s personnel file.

**Use:** Probation. When it is evident that an employee has not responded to counseling and written warnings, the Department Head can, but is not required to, initiate probation time for an employee to correct shortcomings prior to termination. The probationary period should not last more than six (6) months but the actual length must be stated in a “Disciplinary Probation Evaluation” (See Appendix J) that details the expected improvement during probation.

At the mid-point of the probation time, a Disciplinary Probation Evaluation will be conducted with the employee to let him/her know the progress being made as seen by the Department Head.

At the end of the probation, another evaluation and review with the employee should be conducted stating the outcome of the probationary period.

All documentation, including all evaluations, will become part of the employee’s personnel file.

4. **“Disciplinary Suspension”** is defined to mean temporary relief from the duties and responsibilities of the position held by an employee. The employee will receive no compensation during the suspension period. The length of suspension shall be determined by the Department Head responsible for the disciplinary action, not to exceed thirty (30) days in length. The City Manager must approve all disciplinary suspensions.

**Use:** Disciplinary Suspension. When warranted, employees may be suspended as a disciplinary action, but no longer than thirty (30) days.

5. **“Investigative Suspension”** is defined to mean paid time away from an employee’s duties and responsibilities for investigative activity. An investigative suspension should not exceed five (5) working days of paid time off.

**Use:** Investigative Suspension. Should an employee allegedly commit a serious violation of City Policy, the employee may be placed on a paid suspension of up to five (5) days. During this time, the Department Head with support from the City Manager will investigate the alleged violation and a final decision will be made regarding the employee’s discipline, if any, including possible termination of employment with the City. The Department Head with City Manager approval will inform the employee of the final decision through verbal and written communication in the presence of at least one witness.

6. **“Termination”** is defined to mean the release from all duties and responsibilities of an employee and immediate discharge from employment with the City.

**Use:** Termination. When it is apparent that termination of the employee is in the best interest of the City, the Department Head with City Manager approval will inform the employee of his/her termination through verbal and written communication in the presence of at least one witness.

#### B. Reasons for Disciplinary Action:

1. Failure in Job Performance. An employee whose job performance is determined to be unsatisfactory shall be notified, in writing, how his/her work is deficient and what he/she must do if his/her work is to be satisfactory. If the employee's work continues to be below standard, the Department Head may recommend probation, suspension, or termination of the employee. Examples of unsatisfactory job performance include but are not limited to:
  - a. Inability or unwillingness to adequately perform assigned tasks;
  - b. Physical or mental incapacity to perform duties as certified by a physician;
  - c. Demonstrated Inefficiency, negligence, incompetence or misconduct in the performance of duties;
  - d. Inability to meet work standards over a period of time; or
  - e. Failure to follow City safety rules and regulations.
2. Failure in Personal Conduct. An employee may be suspended or terminated for causes relating to personal conduct detrimental to City service without warning in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. Examples of such conduct include but are not limited to the following:
  - a. Fraud;
  - b. Conduct unbecoming a public officer or employee;
  - c. Conviction of a felony or the entry of a plea of nolo contendere thereto;
  - d. Falsification of records;
  - e. Willful misuse of City funds; careless, negligent or improper use of City property or equipment; or willful and wanton damage or destruction of City property;
  - f. Mistreatment of the public or other City employees, and/or willful and wanton acts that endanger the lives and property of others;
  - g. Willful, wanton, unreasonable, unnecessary, or negligent treatment of a person in a brutal or cruel manner;
  - h. Offensive conduct or language toward the public, a City official or fellow employee;
  - i. Possession of unauthorized firearms or other lethal weapons on the job;
  - j. Knowingly and/or willfully violating the laws of the United States, the State of Texas, the ordinances of the City, or any internal department rules and regulations;
  - k. Engaging in incompatible outside employment resulting in a conflict of interest;
  - l. Absence without approved leave; habitual improper use of leave privileges;
  - m. Taking or accepting any bribe, fee, gift, token, moneys, or other thing of value intended as an inducement to perform or refrain from performing any official act, or engaging in any action of extortion or other means of obtaining money or other things of value through his/her position in the City government;
  - n. Possession or selling of illegal drugs or alcohol on the job;

- o. Insubordination;
- p. Reporting to work under the influence of drugs or alcohol, or partaking of such while on duty. Prescribed medications may be taken within the limits set by a physician as long as medically necessary;
- q. Participating in or organizing strikes or work stoppages; and
- r. Infractions of work rules.

### Section 3 Immediate Disciplinary Action

- A. An employee may be suspended or terminated without warning by the City Manager based on recommendations from the Department Head for causes relating to failure in job performance or personal conduct (described in Section 2, B. 1 and 2 above) in the following instances:
  - 1. In order to avoid undue or serious disruption of work,
  - 2. To protect the safety of persons or property, or
  - 3. Other serious reason.
- B. The following steps will be taken by the Department Head or City Manager when immediate disciplinary action is taken:
  - 1. If an immediate suspension is made, the employee will be told to leave City property at once and remain away until further notice. A written summary giving the circumstances and facts leading to the immediate suspension will be prepared; one copy will be filed in the employee's personnel file, and one copy will be delivered to the employee.
  - 2. If an immediate termination is made, a written summary giving the circumstances and facts leading to the termination will be prepared. A copy of the summary will be delivered to the employee and one copy will be filed in the employee's personnel file.

ARTICLE XI. GRIEVANCES -- Revised 10-16-2018

### **Section 1 Definition**

A grievance is any dispute or misunderstanding concerning the interpretation or application of these Personnel Policies and Procedures, or of any other policy, practice, or procedure affecting working conditions for the City which are outside of an employee's control. Certain management decisions are not grievable. The areas of management discretion that are non-grievable subjects are as follows: Any condition of employment accepted at the time of employment and/or subsequent change(s) thereto; determining the employee benefit package; determining the proper classification and pay; determining types of training; scheduling and distribution of personnel; determining methods, means, and personnel to carry out operations; relieving employees from work because of lack of work, funds or other valid reasons; hiring, promotion, transfer, non-disciplinary demotion and assignment decisions and maintaining the efficiency of governmental operations. While the foregoing are considered non-grievable, employees are encouraged to express any concerns that they have concerning actions taken in these areas. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure.

### **Section 2 Policy**

It is the policy of the City to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to implement this policy and to

assure all employees that their grievances will be answered and decided quickly, equitably and without threat of retaliation.

### **Section 3            Procedure**

- A. The prompt settlement of misunderstandings or problems on an informal basis at the work level is desirable and in the interests of sound employee-management relations.

In the following procedures, if a grievance is against a direct reporting authority, the aggrieved employee should then report to the next higher level of authority based on the following chain of command – Supervisor, Department Head, Human Resources Director, City Manager.

1. Whenever employees consider themselves aggrieved, they shall have a right to discuss the matter with their immediate Supervisor. The Supervisor shall make every effort to solve the problem or correct the misunderstanding at this initial level. An employee with a grievance should present their complaint to their immediate Supervisor within ten (10) days of the occurrence of the grievance or when the employee should have become aware of the grievance-causing occurrence. The Supervisor shall discuss within two (2) working days all relevant circumstances with the employee and remove the causes of the grievance to the extent that he deems advisable and possesses authority.
2. If informal discussion with the immediate Supervisor is unsuccessful in resolving the problem, the employee may discuss the issue with the next higher level of supervision that has authority to resolve it.
3. If the grievance is not satisfactorily resolved, the employee may then appeal in turn to each successively higher level of authority until the appeal reaches the City Manager, who shall have final administrative authority. In all appeal cases beyond the level of the immediate Supervisor, employees shall present their complaint appeals within five (5) working days and stipulate the remedy desired. Each level of authority above the immediate Supervisor shall discuss the grievance within five (5) working days of the time it is brought to their attention.
4. A grievance shall be presented to each level of supervision in writing.
5. No determination of any grievance will in any way conflict with any City policies, resolutions, or ordinances, or with any state and/or federal statutes applicable thereto.
6. The Human Resources Director and/or the City Manager shall be available to confer with any City employee concerning any grievance or any personal matter. Confidentiality will be held whenever possible, but it is not guaranteed. Necessary information will be shared on a “need-to-know” basis. The duty of the City Manager shall be to assist in the settlement of grievances through the clearing up of any misunderstanding or the bringing to the attention of the proper authorities any variances from established policy. The City Manager may in some instances be required to assemble needed information to determine facts and will work with the Human Resources Director to gather information. The City Manager will consult with the Human Resources Director when making the final determination.

7. All grievances must be provided in writing by the person filing the grievance. Discussions regarding the grievance, as well as the final determination, must be documented and given to Human Resources for appropriate filing. Human Resources will determine the appropriate filing for the documentation, as some information may not be appropriate for personnel files.

## **ARTICLE XII. EMPLOYEE RECORDS (PERSONNEL FILES)**

### **Section 1      *General Information***

Personnel files are maintained by the Finance Director or other staff as directed by the City Manager. Personnel information related to an employee shall be filed in the employee's personnel file.

Information in an employee's personnel file must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file, other than those affected by the Public Information Act (PIA), will be communicated to any person or organization except by the City Manager or by an employee authorized to do so by the City Manager.

An employee or his or her representative, designated in writing, may examine the employee's personnel file upon request during normal working hours at the City offices.

Employees are expected to inform their Supervisors of any changes in or corrections to information recorded in their individual personnel file such as home address, telephone number, person to notify in case of emergency, or other pertinent information.

### **Section 2      *Contents of Personnel Files***

An employee's file may contain:

- Employee application
- Personnel Policy and Procedures acknowledgement form
- Job description of the position the employee was hired to perform and the essential functions of that position
- Performance evaluation records
- Records of any disciplinary action taken
- Records of leave accrued and taken
- Motor Vehicle Records
- Motor Vehicle Driving Record Program, Rules and Procedures acknowledgement form
- Accident reports involving the employee
- Commendations
- Copy of certifications and licenses
- Any other pertinent information having a bearing on employee status



### **Section 3        *Leave Records***

Official records of annual vacation leave and sick leave accrual and leave usage will be kept for each employee by the Human Resources Administrator. Leave records are updated at the end of each pay period. Leave balances are shown on each employee's payroll check stub to reflect any remaining leave to which an employee is entitled.

It is the responsibility of the each Department Head to provide information about their employee's usage of leave time to the Human Resources Administrator. The Leave Request Form is used for this purpose.

### **Section 4        *Release of Personnel Records***

The Texas State Government Code, Section 552.102 provides that information in the personnel file of an employee is not exempted from disclosure under the Public Information Act except when disclosure would constitute a clearly unwarranted invasion of personal privacy.

Information is excepted from disclosure if it is information considered to be confidential by law, either constitutional, statutory or by judicial decision.

An employee may, within fourteen (14) days of being hired, or ending service with the City, request confidentiality of their home address, home phone number, social security number, or information about family members.

An employee's file can be made available to the employee him/herself or his/her designated representative except that under some circumstances, the City may be able to refuse to release information to an employee from his personnel file if the information relates to issues that are currently under civil or criminal litigation.

### **Section 5        *Employment References – Implemented 10-16-2018***

All requests for information on current or former employees must be in writing, accompanied by an authorization signed by the employee or former employee, and referred to the Human Resources Department. Information provided is limited to verification of employment dates, position held and salary. Additional information may be requested via a Public Information Request through the City Secretary's office. Upon receipt of the Public Information Request, the City Secretary will forward the request to Human Resources for completion.

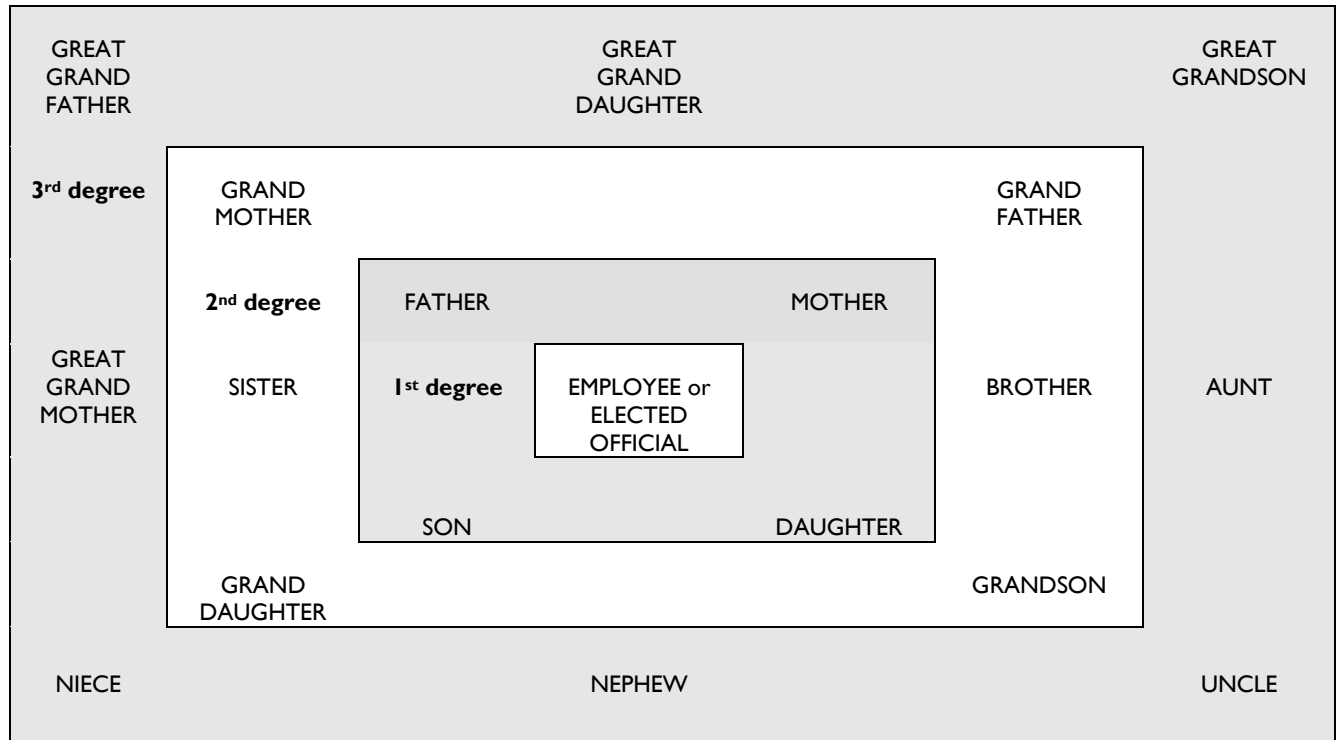
Under no circumstances is any other employee authorized to provide a written or official employment reference for the company.

This policy excludes the release of information by the Chief of Police, or his/her designee, as required under Title 10, Sections 1701.451 and Sections 1701.452 of the Texas Occupations Code and the Texas Commission on Law Enforcement (TCOLE) rules.

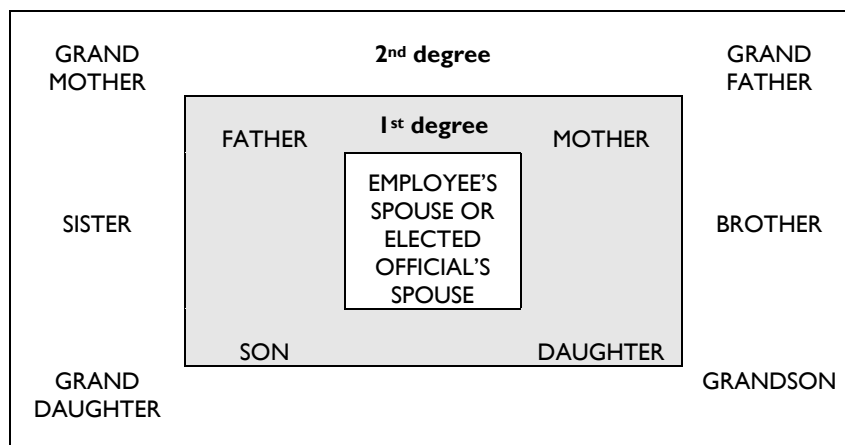
ARTICLE XIII. APPENDICES

**Appendix A Nepotism Charts – Revised 05-17-2016**

**Three degrees of Consanguinity**



**Two degrees of Affinity: (In-laws)**



(Validated with the TX Government Code, Section 573.023, 573.024, 573.025)

Council approval required for employment of employee spouses.

**Appendix B      Salary Ranges – Revised 09-20-2024**

**Administration/Utilities - Salary Ranges – Revised 09-17-2024**

<b>Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>		<b>Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
<b>40</b>	\$34,852	\$43,564	\$52,277		<b>71</b>	\$74,931	\$93,664	\$112,397
<b>41</b>	\$35,722	\$44,654	\$53,585		<b>72</b>	\$76,804	\$96,005	\$115,207
<b>42</b>	\$36,615	\$45,770	\$54,924		<b>73</b>	\$78,724	\$98,406	\$118,087
<b>43</b>	\$37,532	\$46,914	\$56,297		<b>74</b>	\$80,693	\$100,865	\$121,039
<b>44</b>	\$38,470	\$48,087	\$57,705		<b>75</b>	\$82,710	\$103,388	\$124,065
<b>45</b>	\$39,431	\$49,289	\$59,147		<b>76</b>	\$84,778	\$105,972	\$127,167
<b>46</b>	\$40,417	\$50,522	\$60,626		<b>77</b>	\$86,898	\$108,622	\$130,345
<b>47</b>	\$41,428	\$51,784	\$62,141		<b>78</b>	\$89,070	\$111,337	\$133,604
<b>48</b>	\$42,463	\$53,079	\$63,695		<b>79</b>	\$91,297	\$114,120	\$136,944
<b>49</b>	\$43,525	\$54,406	\$65,287		<b>80</b>	\$93,578	\$116,974	\$140,368
<b>50</b>	\$44,613	\$55,766	\$66,919		<b>81</b>	\$95,918	\$119,898	\$143,877
<b>51</b>	\$45,728	\$57,161	\$68,592		<b>82</b>	\$98,317	\$122,896	\$147,474
<b>52</b>	\$46,872	\$58,589	\$70,307		<b>83</b>	\$100,775	\$125,967	\$151,161
<b>53</b>	\$48,043	\$60,054	\$72,065		<b>84</b>	\$103,293	\$129,117	\$154,941
<b>54</b>	\$49,244	\$61,556	\$73,867		<b>85</b>	\$105,876	\$132,345	\$158,813
<b>55</b>	\$50,476	\$63,095	\$75,714		<b>86</b>	\$108,522	\$135,654	\$162,784
<b>56</b>	\$51,738	\$64,672	\$77,606		<b>87</b>	\$111,236	\$139,044	\$166,854
<b>57</b>	\$53,031	\$66,288	\$79,546		<b>88</b>	\$114,017	\$142,521	\$171,025
<b>58</b>	\$54,356	\$67,946	\$81,535		<b>89</b>	\$116,867	\$146,084	\$175,301
<b>59</b>	\$55,716	\$69,644	\$83,573		<b>90</b>	\$119,788	\$149,736	\$179,683
<b>60</b>	\$57,108	\$71,385	\$85,663		<b>91</b>	\$122,784	\$153,479	\$184,175
<b>61</b>	\$58,537	\$73,170	\$87,804		<b>92</b>	\$125,853	\$157,317	\$188,779
<b>62</b>	\$60,000	\$74,999	\$89,999		<b>93</b>	\$128,999	\$161,249	\$193,499
<b>63</b>	\$61,500	\$76,875	\$92,250		<b>94</b>	\$132,225	\$165,280	\$198,336
<b>64</b>	\$63,036	\$78,796	\$94,556		<b>95</b>	\$135,530	\$169,413	\$203,296
<b>65</b>	\$64,613	\$80,766	\$96,919		<b>96</b>	\$138,918	\$173,648	\$208,378
<b>66</b>	\$66,228	\$82,786	\$99,343		<b>97</b>	\$142,392	\$177,989	\$213,587
<b>67</b>	\$67,884	\$84,855	\$101,825		<b>98</b>	\$145,951	\$182,439	\$218,926
<b>68</b>	\$69,581	\$86,976	\$104,371		<b>99</b>	\$149,600	\$186,999	\$224,400
<b>69</b>	\$71,321	\$89,151	\$106,981		<b>100</b>	\$153,340	\$191,674	\$230,010
<b>70</b>	\$73,104	\$91,379	\$109,655		<b>101</b>	\$157,174	\$196,466	\$235,760
<b>Grade Differential</b>					<b>Range Spread</b>			
2.50%					50.00%			

**APPENDIX B     Fire – Salary Ranges – Revised 09-17-2024**

<b>Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
<b>55F</b>	\$55,938	\$69,923	\$83,907
<b>56F</b>	\$57,337	\$71,671	\$86,004
<b>57F</b>	\$58,770	\$73,461	\$88,154
<b>58F</b>	\$60,238	\$75,299	\$90,358
<b>59F</b>	\$61,745	\$77,180	\$92,617
<b>60F</b>	\$63,288	\$79,110	\$94,933
<b>61F</b>	\$64,871	\$81,088	\$97,306
<b>62F</b>	\$66,493	\$83,115	\$99,738
<b>63F</b>	\$68,155	\$85,194	\$102,232
<b>64F</b>	\$69,858	\$87,323	\$104,788
<b>65F</b>	\$71,604	\$89,506	\$107,407
<b>66F</b>	\$73,395	\$91,744	\$110,093
<b>67F</b>	\$75,230	\$94,037	\$112,844
<b>68F</b>	\$77,110	\$96,388	\$115,666
<b>69F</b>	\$79,038	\$98,798	\$118,558
<b>70F</b>	\$81,015	\$101,267	\$121,521
<b>71F</b>	\$83,040	\$103,800	\$124,560
<b>72F</b>	\$85,115	\$106,394	\$127,673

<b>Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
<b>73F</b>	\$87,243	\$109,055	\$130,865
<b>74F</b>	\$89,425	\$111,780	\$134,137
<b>75F</b>	\$91,660	\$114,576	\$137,490
<b>76F</b>	\$93,952	\$117,440	\$140,928
<b>77F</b>	\$96,301	\$120,376	\$144,450
<b>78F</b>	\$98,709	\$123,385	\$148,062
<b>79F</b>	\$101,176	\$126,469	\$151,763
<b>80F</b>	\$103,705	\$129,632	\$155,558
<b>81F</b>	\$106,298	\$132,872	\$159,446
<b>82F</b>	\$108,956	\$136,195	\$163,432
<b>83F</b>	\$111,680	\$139,599	\$167,519
<b>84F</b>	\$114,471	\$143,089	\$171,707
<b>85F</b>	\$117,333	\$146,666	\$175,999
<b>86F</b>	\$120,266	\$150,333	\$180,399
<b>87F</b>	\$123,273	\$154,091	\$184,910
<b>88F</b>	\$126,355	\$157,943	\$189,532
<b>89F</b>	\$129,514	\$161,892	\$194,271

<b>Grade Differential</b>
2.50%

<b>Range Spread</b>
50.00%

**APPENDIX B      Police – Salary Ranges – Revised 09-17-2024**

Grade	Minimum	Midpoint	Maximum
<b>40P</b>	\$36,277	\$45,346	\$54,415
<b>41P</b>	\$37,184	\$46,480	\$55,777
<b>42P</b>	\$38,113	\$47,642	\$57,170
<b>43P</b>	\$39,067	\$48,833	\$58,600
<b>44P</b>	\$40,043	\$50,053	\$60,065
<b>45P</b>	\$41,044	\$51,305	\$61,566
<b>46P</b>	\$42,070	\$52,589	\$63,105
<b>47P</b>	\$43,123	\$53,902	\$64,683
<b>48P</b>	\$44,200	\$55,250	\$66,300
<b>49P</b>	\$45,305	\$56,631	\$67,957
<b>50P</b>	\$46,437	\$58,047	\$69,656
<b>51P</b>	\$47,598	\$59,499	\$71,397
<b>52P</b>	\$48,789	\$60,985	\$73,183
<b>53P</b>	\$50,008	\$62,511	\$75,012
<b>54P</b>	\$51,258	\$64,074	\$76,888
<b>55P</b>	\$52,541	\$65,676	\$78,810
<b>56P</b>	\$53,854	\$67,317	\$80,781
<b>57P</b>	\$55,200	\$68,999	\$82,800
<b>58P</b>	\$56,579	\$70,725	\$84,870
<b>59P</b>	\$57,995	\$72,492	\$86,991
<b>60P</b>	\$59,444	\$74,305	\$89,167
<b>61P</b>	\$60,931	\$76,163	\$91,396
<b>62P</b>	\$62,454	\$78,067	\$93,680
<b>63P</b>	\$64,016	\$80,019	\$96,023
<b>64P</b>	\$65,615	\$82,019	\$98,423

Grade	Minimum	Midpoint	Maximum
<b>65P</b>	\$67,255	\$84,069	\$100,884
<b>66P</b>	\$68,937	\$86,172	\$103,406
<b>67P</b>	\$70,661	\$88,325	\$105,990
<b>68P</b>	\$72,427	\$90,533	\$108,640
<b>69P</b>	\$74,238	\$92,797	\$111,357
<b>70P</b>	\$76,094	\$95,116	\$114,140
<b>71P</b>	\$77,996	\$97,495	\$116,995
<b>72P</b>	\$79,945	\$99,932	\$119,919
<b>73P</b>	\$81,944	\$102,431	\$122,917
<b>74P</b>	\$83,993	\$104,991	\$125,990
<b>75P</b>	\$86,093	\$107,617	\$129,139
<b>76P</b>	\$88,245	\$110,307	\$132,369
<b>77P</b>	\$90,452	\$113,064	\$135,677
<b>78P</b>	\$92,713	\$115,890	\$139,069
<b>79P</b>	\$95,031	\$118,788	\$142,545
<b>80P</b>	\$97,406	\$121,758	\$146,110
<b>81P</b>	\$99,842	\$124,802	\$149,762
<b>82P</b>	\$102,338	\$127,923	\$153,506
<b>83P</b>	\$104,897	\$131,120	\$157,344
<b>84P</b>	\$107,518	\$134,398	\$161,278
<b>85P</b>	\$110,206	\$137,758	\$165,309
<b>86P</b>	\$112,961	\$141,202	\$169,442
<b>87P</b>	\$115,786	\$144,732	\$173,679
<b>88P</b>	\$118,680	\$148,350	\$178,020
<b>89P</b>	\$121,647	\$152,059	\$182,471

Grade Differential
2.50%

Range Spread
50.00%

# REVISED APPENDIX B - SALARY TABLE - REVISED 09-17-2024

EFFECTIVE 10-01-2024

Job Titles by Job Family	Salary Range	ANNUALLY			Hours Per Year	HOURLY		
		Minimum	Midpoint	Maximum		Minimum	Midpoint	Maximum

## CITY MANAGEMENT GROUP

City Manager	101	\$157,174	\$196,466	\$235,760	2080	\$75.56	\$94.45	\$116.49
Assistant City Manager	93	\$128,999	\$161,249	\$193,499	2080	\$62.02	\$77.52	\$95.61
Human Resources Director	82	\$98,317	\$122,896	\$147,474	2080	\$47.27	\$59.08	\$72.87
Public Works Director	80	\$93,578	\$116,974	\$140,368	2080	\$44.99	\$56.24	\$69.36
Legislative Services Director	73	\$78,724	\$98,406	\$118,087	2080	\$37.85	\$47.31	\$58.35
IT Administrator	73	\$78,724	\$98,406	\$118,087	2080	\$37.85	\$47.31	\$58.35
Communications Director	68	\$69,581	\$86,976	\$104,371	2080	\$33.45	\$41.82	\$51.57
Executive Assistant to the City Manager	60	\$57,108	\$71,385	\$85,663	2080	\$27.46	\$34.32	\$42.33
Human Resources Administrator	58	\$54,356	\$67,946	\$81,535	2080	\$26.13	\$32.67	\$40.29
Records & Information Manager	58	\$54,356	\$67,946	\$81,535	2080	\$26.13	\$32.67	\$40.29
Public Works Assistant	58	\$54,356	\$67,946	\$81,535	2080	\$26.13	\$32.67	\$40.29

## FINANCE

Finance Director	88	\$114,017	\$142,521	\$171,025	2080	\$54.82	\$68.52	\$84.51
Senior Accountant/Court Administrator	62	\$60,000	\$74,999	\$89,999	2080	\$28.85	\$36.06	\$44.47
Finance Clerk/Municipal Court Clerk	50	\$44,613	\$55,766	\$66,919	2080	\$21.45	\$26.81	\$33.07
Lot Mowing Program Coordinator	47	\$41,428	\$51,784	\$62,141	2080	\$19.92	\$24.90	\$30.71

## DEVELOPMENT SERVICES

Development Services Director	88	\$114,017	\$142,521	\$171,025	2080	\$54.82	\$68.52	\$84.51
Building Official	70	\$73,104	\$91,379	\$109,655	2080	\$35.15	\$43.93	\$54.18
GIS Administrator	68	\$69,581	\$86,976	\$104,371	2080	\$33.45	\$41.82	\$51.57
Code Enforcement Supervisor	65	\$64,613	\$80,766	\$96,919	2080	\$31.06	\$38.83	\$47.89
Senior Planner	62	\$60,000	\$74,999	\$89,999	2080	\$28.85	\$36.06	\$44.47
Code Compliance Inspector	55	\$50,476	\$63,095	\$75,714	2080	\$24.27	\$30.33	\$37.41
Plans Examiner	55	\$50,476	\$63,095	\$75,714	2080	\$24.27	\$30.33	\$37.41
Code Compliance Officer (non-comm)	50	\$44,613	\$55,766	\$66,919	2080	\$21.45	\$26.81	\$33.07
Permit Technician	47	\$41,428	\$51,784	\$62,141	2080	\$19.92	\$24.90	\$30.71
DS Administrative Assistant	47	\$41,428	\$51,784	\$62,141	2080	\$19.92	\$24.90	\$30.71

## UTILITIES

### Field

Field Operations Supervisor	66	\$66,228	\$82,786	\$99,343	2080	\$31.84	\$39.80	\$49.09
Crew Lead	60	\$57,108	\$71,385	\$85,663	2080	\$27.46	\$34.32	\$42.33
Field Operator III	58	\$54,356	\$67,946	\$81,535	2080	\$26.13	\$32.67	\$40.29
Warehouse Technician	55	\$50,476	\$63,095	\$75,714	2080	\$24.27	\$30.33	\$37.41
Pump & Motor Technician	55	\$50,476	\$63,095	\$75,714	2080	\$24.27	\$30.33	\$37.41
Field Operator II	53	\$48,043	\$60,054	\$72,065	2080	\$23.10	\$28.87	\$35.61
Utilities Fleet Mechanic	50	\$44,613	\$55,766	\$66,919	2080	\$21.45	\$26.81	\$33.07
Field Operator	50	\$44,613	\$55,766	\$66,919	2080	\$21.45	\$26.81	\$33.07
Utilities Dispatcher	47	\$41,428	\$51,784	\$62,141	2080	\$19.92	\$24.90	\$30.71

### Plant

Plant Operations Supervisor	68	\$69,581	\$86,976	\$104,371	2080	\$33.45	\$41.82	\$51.57
Chief Water Operator	60	\$57,108	\$71,385	\$85,663	2080	\$27.46	\$34.32	\$42.33

Chief Wastewater Operator	60	\$57,108	\$71,385	\$85,663	2080	\$27.46	\$34.32	\$42.33
Maintenance Foreman	60	\$57,108	\$71,385	\$85,663	2080	\$27.46	\$34.32	\$42.33
Plant Operator III	58	\$54,356	\$67,946	\$81,535	2080	\$26.13	\$32.67	\$40.29
SCADA Technician	58	\$54,356	\$67,946	\$81,535	2080	\$26.13	\$32.67	\$40.29
Regulatory & Compliance Administrator	57	\$53,031	\$66,288	\$79,546	2080	\$25.50	\$31.87	\$39.31
Plant Operator II	55	\$50,476	\$63,095	\$75,714	2080	\$24.27	\$30.33	\$37.41
Plant Operator	51	\$45,728	\$57,161	\$68,592	2080	\$21.98	\$27.48	\$33.89
Lead Recycle Monitor	51	\$45,728	\$57,161	\$68,592	2080	\$21.98	\$27.48	\$33.89
Recycle Monitor	47	\$41,428	\$51,784	\$62,141	2080	\$19.92	\$24.90	\$30.71

#### **Utilities Administration**

Utilities Director	86	\$108,522	\$135,654	\$162,784	2080	\$52.17	\$65.22	\$80.44
Utilities Assistant Director	75	\$82,710	\$103,388	\$124,065	2080	\$39.76	\$49.71	\$61.30
Water Conservation Specialist	63	\$61,500	\$76,875	\$92,250	2080	\$29.57	\$36.96	\$45.58
Utilities Systems Administrator	62	\$60,000	\$74,999	\$89,999	2080	\$28.85	\$36.06	\$44.47
Utilities Billing Supervisor	62	\$60,000	\$74,999	\$89,999	2080	\$28.85	\$36.06	\$44.47
Purchasing Coordinator	58	\$54,356	\$67,946	\$81,535	2080	\$26.13	\$32.67	\$40.29
Customer Service Clerk	46	\$40,417	\$50,522	\$60,626	2080	\$19.43	\$24.29	\$29.96

#### **FIRE**

Fire Chief	89F	\$129,514	\$161,892	\$194,271	2080	\$62.27	\$77.83	\$93.40
Assistant Fire Chief	78F	\$98,709	\$123,385	\$148,062	2080	\$47.46	\$59.32	\$71.18
Shift Commander/Captain	74F	\$89,425	\$111,780	\$134,137	2756	\$32.45	\$40.56	\$48.67
Lieutenant	68F	\$77,110	\$96,388	\$115,666	2756	\$27.98	\$34.97	\$41.97
Engineer	63F	\$68,155	\$85,194	\$102,232	2756	\$24.73	\$30.91	\$37.09
Firefighter	56F	\$57,337	\$71,671	\$86,004	2756	\$20.80	\$26.01	\$31.21
Part Time Firefighter	56F	\$20,804	\$26,005	\$31,206	1000	\$20.80	\$26.01	\$31.21

#### **POLICE**

Police Chief	88P	\$118,680	\$148,350	\$178,020	2080	\$57.06	\$71.32	\$85.59
Assistant Police Chief	80P	\$97,406	\$121,758	\$146,110	2080	\$46.83	\$58.54	\$70.25
Police Captain	76P	\$88,245	\$110,307	\$132,368	2223	\$39.70	\$49.62	\$59.54
Criminal Investigator	74P	\$83,993	\$104,991	\$125,990	2223	\$37.78	\$47.23	\$56.68
Lieutenant/Shift Commander	74P	\$83,993	\$104,991	\$125,990	2223	\$37.78	\$47.23	\$56.68
Sergeant/Police Specialist	68P	\$72,427	\$90,533	\$108,640	2223	\$32.58	\$40.73	\$48.87
Police Officer	63P	\$64,016	\$80,019	\$96,023	2223	\$28.80	\$36.00	\$43.20
Animal Control Officer/Mechanic	52	\$46,872	\$58,589	\$70,307	2080	\$22.53	\$28.17	\$34.74
Communications Operator	50	\$44,613	\$55,766	\$66,919	2080	\$21.45	\$26.81	\$33.07
Animal Control Officer	47	\$41,428	\$51,784	\$62,141	2080	\$19.92	\$24.90	\$30.71

\*New Positions

\*Grade Change

**APPENDIX B - INCENTIVE PAY -- REVISED 09-17-2024**  
**EFFECTIVE 10-01-2024**

DEPARTMENT	JOB TITLE	CERTIFICATION/COURSE/ASSIGNMENT	INCREASE AMOUNT PER HOUR
LEGISLATIVE SERVICES OFFICE	Legislative Services Director	TRMC Certification	\$0.40
	Records & Information Manager	Accredited Related Course/Certification*	\$0.40
FINANCE	Senior Accountant/Court Administrator	GFOA Certificate in Public Finance	\$0.50
	Senior Accountant/Court Administrator	Accredited Accounting Courses*	\$0.40
	Finance Clerk/Municipal Court Clerk	Court Clerk Certification	\$0.40
	Finance Clerk/Municipal Court Clerk	Accredited Accounting Courses*	\$0.40
	Lot Mowing Program Coordinator	Court Clerk Certification	\$0.40
	Lot Mowing Program Coordinator	Accredited Accounting Courses*	\$0.40
HUMAN RESOURCES	Human Resources Administrator	APHR or SHRM Equivalent	\$0.50
	Human Resources Administrator	PHR or SHRM Equivalent	\$0.50
	Human Resources Administrator	Certified Payroll Professional	\$0.50
	Human Resources Administrator	Fundamental of Payroll Certification	\$0.50
	Human Resources Administrator	Accredited Related Courses*	\$0.40
DEVELOPMENT SERVICES	Development Services Director	American Institute of Certified Planners (AICP) Cert.	\$0.50
	Development Services Director	Flood Plain Administrator Cert	\$0.50
	Building Official	Permit Technician Certificate	\$0.40
	Building Official	Accredited Related Courses*	\$0.40
	Permit Technician	Accredited Related Courses*	\$0.40
	Senior Planner	Accredited Related Courses*	\$0.40
	Code Enforcement Officer	Master Peace Officer Certification	\$0.40
	Code Enforcement Officer	Bailiff/Court Security Officer	\$0.20
	Code Enforcement Officer	Accredited Related Courses*	\$0.40
	Code Compliance Officer	Texas Code Enforcement Officer Registration	\$0.40
	Code Compliance Officer	Bailiff/Court Security Officer	\$0.20
	Code Compliance Officer	Accredited Related Courses*	\$0.40
POLICE			
	Assistant Police Chief	Advanced Certification	\$0.65
	Assistant Police Chief	Master Certification	\$0.75



	Police Captain	Intermediate Certification	\$0.55
	Police Captain	Advanced Certification	\$0.65
	Police Captain	Master Certification	\$0.75
	Police Captain	Firearms Instructor	\$0.55
	Criminal Investigator	Intermediate Certification	\$0.55
	Criminal Investigator	Advanced Certification	\$0.65
	Criminal Investigator	Master Certification	\$0.75
	Criminal Investigator	Certified Fraud Examiner	\$0.55
	Criminal Investigator	Sexual Assault/Family Violence Investigator	\$0.55
	Criminal Investigator	Firearms Instructor	\$0.55
	Criminal Investigator	Mental Health Peace Officer Certification	\$0.30
	Lieutenant/Shift Commander	Intermediate Certification	\$0.55
	Lieutenant/Shift Commander	Advanced Certification	\$0.65
	Lieutenant/Shift Commander	Master Certification	\$0.75
	Lieutenant/Shift Commander	Firearms Instructor	\$0.55
	Lieutenant/Shift Commander	Swift Water Technician Certification	\$0.55
	Lieutenant/Shift Commander	Mental Health Peace Officer Certification	\$0.30
	Lieutenant/Shift Commander	Bailiff/Court Security Officer	\$0.30
	Lieutenant/Shift Commander	Marine Safety Enforcement Officer	\$0.30
	Sergeant/Police Specialist	Intermediate Certification	\$0.55
	Sergeant/Police Specialist	Advanced Certification	\$0.65
	Sergeant/Police Specialist	Master Certification	\$0.75
	Sergeant/Police Specialist	Crime Prevention Specialist	\$0.55
	Sergeant/Police Specialist	Firearms Instructor	\$0.55
	Sergeant/Police Specialist	Swift Water Technician Certification	\$0.55
	Sergeant/Police Specialist	Mental Health Peace Officer Certification	\$0.30
	Sergeant/Police Specialist	Bailiff/Court Security Officer	\$0.30
	Sergeant/Police Specialist	Marine Safety Enforcement Officer	\$0.30
	Police Officer	Intermediate Certification	\$0.55
	Police Officer	Advanced Certification	\$0.65
	Police Officer	Master Certification	\$0.75
	Police Officer	Crime Prevention Specialist	\$0.55
	Police Officer	Firearms Instructor	\$0.55
	Police Officer	Swift Water Technician Certification	\$0.55
	Police Officer	Mental Health Peace Officer Certification	\$0.30
	Police Officer	Bailiff/Court Security Officer	\$0.30
	Police Officer	Marine Safety Enforcement Officer	\$0.30
	Communications Operator	Intermediate Certification	\$0.55
	Communications Operator	Advanced Certification	\$0.65
	Communications Operator	Master Certification	\$0.75
	Communications Operator	Accredited Related Course*	\$0.55
	Communications Operator	CJIS Administrator	\$0.30

	Communications Operator	CJIS LASO Certification	\$0.30
	Communications Operator	OIG Certified PIO	\$0.30
	Animal Control Officer	Advanced Animal Control Officer	\$0.65
	Animal Control Officer	Certified Animal Control Officer	\$0.55
	Animal Control Officer	Certified Euthanasia Officer	\$0.30
	Animal Control Officer	Chemical Capture & Restraint Cert	\$0.30
<b>FIRE</b>	Captain/Shift Commander	Master Certification	\$0.50
	Captain/Shift Commander	Fire Officer III	\$0.40
	Captain/Shift Commander	Fire Officer IV	\$0.40
	Captain/Shift Commander	Fire Inspector	\$0.40
	Captain/Shift Commander	Arson Investigator	\$0.70
	Captain/Shift Commander	Paramedic	\$0.90
	Fire Marshal	Advanced Certification	\$0.40
	Fire Marshal	Master Certification	\$0.50
	Fire Marshal	Arson Investigator	\$0.70
	Fire Marshal	Fire Inspector	\$0.40
	Fire Marshal	Paramedic	\$0.90
	Lieutenant	Advanced Certification	\$0.40
	Lieutenant	Fire Officer II	\$0.40
	Lieutenant	Fire Inspector	\$0.40
	Lieutenant	Arson Investigator	\$0.70
	Lieutenant	Paramedic	\$0.90
	Engineer	Intermediate Certification	\$0.40
	Engineer	Fire Instructor II	\$0.40
	Engineer	Fire Officer I	\$0.40
	Engineer	Paramedic	\$0.90
	Firefighter/EMT-B	Driver/Operator Certification	\$0.40
	Firefighter/EMT-B	Advanced Certification	\$0.40
	Firefighter/EMT-B	Fire Instructor I	\$0.40
	Firefighter/EMT-B	Paramedic	\$0.90
<b>UTILITIES</b>	Field Operators	Water Operator D	\$0.40
	Field Operators	Water Distribution Operator C	\$0.60
	Field Operators	Water Distribution Operator B	\$0.75
	Field Operators	Water Operator A	\$0.95
	Field Operators	Wastewater Collection I (D Equivalent)	\$0.40
	Field Operators	Wastewater Collection II (C Equivalent)	\$0.60
	Field Operators	Wastewater Collection III (B Equivalent)	\$0.75
	Field Operators	CDL with Tank and Air Brake Endorsement	\$0.40
	Field Operators	Acting Crew Lead	\$0.40

	Water Conservation Inspector	Accredited Related Course*	\$0.40
	Utilities Dispatcher	Accredited Related Course*	\$0.40
	Plant Operators	Water Operator D	\$0.40
	Plant Operators	Surface Water Treatment C	\$0.60
	Plant Operators	Surface Water Treatment B	\$0.75
	Plant Operators	Water Operator A	\$0.95
	Plant Operators	Wastewater Treatment D	\$0.40
	Plant Operators	Wastewater Treatment C	\$0.60
	Plant Operators	Wastewater Treatment B	\$0.75
	Plant Operators	Wastewater Treatment A	\$0.95
	Water Quality Tech	Class "C" Certified Lab Analysis	\$0.50
	SCADA Technician	SCADA Fundamentals Certification	\$0.50
	SCADA Technician	Accredited SCADA Courses*	\$0.40

<b>UTILITIES ADMINISTRATION</b>	Systems Administrator	Accredited Related Courses*	\$0.40
	Purchasing Coordinator	CPA TX Procurement Cert.	\$0.50
	Regulatory & Compliance Administrator	Water Operator D	\$0.40
	Regulatory & Compliance Administrator	Accredited Related Courses*	\$0.40
	Utilities Billing Supervisor	Accredited Related Courses*	\$0.40
	Utilities Billing Supervisor	Water "D" Cert.	\$0.40
	Utilities Billing Supervisor	Customer Service "D" Cert.	\$0.40
	Customer Service Clerk	TX A&M Agrilife Cust Svc Cert.	\$0.20
	Customer Service Clerk	Customer Svc Online Training Series	\$0.30

<b>GENERAL INCENTIVES*</b>	<b>All positions as deemed necessary in the position and approved by Department Head &amp; City Manager</b>	<b>Bilingual in Spanish/English</b>	<b>\$0.50</b>
		<b>Records Management Certification</b>	<b>\$0.30</b>
		<b>Accredited Related Certification</b>	<b>\$0.40</b>

\*Pre-approval by the Department Head and City Manager is required prior to course enrollment.

## New Changes

### Added Incentives

*Appendix B, as amended and approved on September 17, 2024 by vote of the Council of the City Horseshoe Bay during a regularly scheduled meeting and made a part of the minutes thereof.*

**Appendix C      City Retirement System Ordinance - ORD2023-01**

**CITY OF HORSESHOE BAY**

**ORDINANCE No. 2023-01**

**PARTICIPATION IN THE TEXAS MUNICIPAL  
RETIREMENT SYSTEM**

**AN ORDINANCE PROVIDING FOR THE PARTICIPATION IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM AND THE SUPPLEMENTAL DEATH BENEFITS FUND BY THE CITY OF HORSESHOE BAY, TEXAS; AND TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE BENEFIT ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION.**

**WHEREAS**, Subtitle G of Title 8 of the Texas Government Code, as amended (herein after referred to as the "TMRS Act"), relating to the Texas Municipal Retirement System (the "System"), authorizes the governing body of each city or town to elect, at its option, to have one or more of the city departments participate in such System; and

**WHEREAS**, before joining the System the City of Horseshoe Bay, Texas ("City"), provided retirement benefits to its employees that were funded partly or wholly by the City; and

**WHEREAS**, the City Council of the City of Horseshoe Bay, Texas, now finds that it will be in the public interest for the City to have its employees participate in the System as hereinafter provided; now, therefore,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:**

**Section 1.** The City Council of the City of Horseshoe Bay, Texas, on behalf of said City, hereby exercises its option and elects to have this City and all of the employees of all departments now existing and those hereafter created participate in the System as provided in the TMRS Act.

**Section 2.** The City Manager is hereby directed to notify the Board of Trustees of the System that this City has elected to participate and have the employees of this City participate in said System.

**Section 3.** To qualify for participation in the System, each person who becomes an employee of this City on or after the effective date of this Ordinance must serve the City in a position that normally requires 1,000 hours or more per year, and if they qualify, they shall become a member of the System as a condition of their employment.

**Section 4.** Each employee of this City who is a member of the System is eligible to retire and receive a service retirement annuity if the member has at least 20 years of credited service in the System performed for one or more municipalities that have adopted a like provision under Section 854.202(g) of the TMRS Act.

**Section 5.** In accordance with the provisions of the TMRS Act, the deposits to be made to the System on account of current service of the employees of the several participating departments are hereby fixed at the

rate of 7% of the full earnings of each employee of said departments.

**Section 6.** Pursuant to Sections 853.105(d-1) and 853.303(a) and (a-1) of the TMRS Act, a zero percent (0%) prior service credit is hereby adopted and each employee who qualifies for such credit shall be allowed "excluded prior service credit" as defined in Section 851.001(8-a) of the TMRS Act. Excluded prior service credit: has no monetary value; may only be used to satisfy length of service requirements for vesting and retirement eligibility; and, may not be used to determine eligibility for or computation of updated service credits under the TMRS Act.

**Section 7.** For each month of current service rendered to this City by each of its employees who are members of the System, the City elects to provide for each such member at the time of his or her retirement, a sum that is 200% of such member's accumulated deposits for such month of employment; and said sum shall be a liability of the City's account in the benefit accumulation fund.

**Section 8.** The City Manager, or their assignee, is hereby directed to remit to the Board of Trustees of the System, at its office in Austin, Texas, the city contributions to the System and the amounts which shall be deducted from the compensation or payroll of employees, all as required by said Board under the provisions of the TMRS Act, and the said official is hereby authorized and directed to ascertain and certify officially on behalf of this City the number of months of prior service rendered to the City by each of the employees of the participating departments and make and execute all current and prior service or excluded prior service certifications and all other reports and certifications which may be required of the City under the provisions of the TMRS Act, or in compliance with the rules and regulations of the Board of Trustees of the System.

**Section 9.** The City hereby elects to participate in the Supplemental Death Benefits Fund of the System for the purpose of providing in-service death benefits for each of this City's employees who are members of said System, and for the purpose of providing post-retirement death benefits for retirees whose last covered employment was as an employee of this City, in the amounts and on the terms provided for in Sections 852.004, 854.601 through 854.605, 855.314, 855.408, and 855.502 of the TMRS Act, as amended.

**Section 10.** The City is hereby authorized and directed to notify the Executive Director of the System of adoption of this ordinance, and of the participation of this City in said Supplemental Death Benefits Fund.

**Section 11.** Pursuant to Section 855.407(g) of the TMRS Act, the City hereby elects to make future normal and prior service contributions to its account in the benefit accumulation fund of the System at such combined rate of the total compensation paid by this City to employees who are members of the System, as the System's actuary shall annually determine as the rate necessary to fund, within the amortization period determined as applicable to this City under the TMRS Act, the costs of all benefits which are or may become chargeable to or are to be paid out of this City's account in said benefit accumulation fund, regardless of other provisions of the TMRS Act limiting the combined rate of City contributions.

**Section 12.** The provisions of this ordinance shall become effective on the pt day of December, 2022.

Passed and approved on this the 11<sup>th</sup> day of October, 2022.

ATTEST:

  
Kerri Craig, City Secretary



CITY OF HORSESHOE BAY

  
Cynthia Clinesmith, Mayor

## Appendix F City Owned Vehicle List – Revised 12/12/2019

#	Unit #	Type	Description	Reports To	Take Home	> 25 Miles	Purpose
<b>DEVELOPMENT SERVICES</b>							
2	72	Truck	DS Director	City Manager	NO	NO	Dev Svc Inspections
<b>FIRE DEPARTMENT</b>							
3	801	Truck	Fire Chief	City Manager	YES	NO	Emergency Fire Response
4	802	Truck	Assistant Fire Chief	Fire Chief	YES	YES**	Emergency Fire Response
<b>ANIMAL CONTROL</b>							
5	87	Truck	Animal Control	Police Chief	NO	NO	Animal Control
<b>POLICE DEPARTMENT</b>							
6	1	SUV	Patrol	Police Chief	NO	NO	Patrol
7	2	SUV	Patrol	Police Chief	NO	NO	Patrol
8	3	SUV	Patrol	Police Chief	NO	NO	Patrol
9	4	SUV	Patrol	Police Chief	NO	NO	Patrol
10	5	SUV	Detective	Police Chief	YES	NO	Emergency Police Response
11	6	Truck	Captain	Police Chief	YES	YES**	Emergency Police Response
12	9	SUV	Patrol	Police Chief	NO	NO	Patrol
13	10	SUV	Detective	Police Chief	YES	NO	Emergency Police Response
14	11	Truck	Police Chief	Police Chief	YES	NO	Emergency Police Response
15	12	SUV	Detective	Police Chief	YES	YES**	Emergency Police Response
16	13	Truck	Assistant Police Chief	Police Chief	YES	NO	Emergency Police Response
17	14	SUV	Patrol	Police Chief	NO	NO	Patrol
18	71	Truck	Code Enforcement	Police Chief/Dev Svc Director	NO	NO	Code Inspections
<b>FIELD OPERATIONS</b>							
19	76	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations
20	60	Truck	Water Conservation	Field Ops Supervisor	NO*	NO	Irrigation Inspections
21	74	Truck	Field Operations Supervisor	Utilities Director	YES	NO	Daily Field Operations
22	75	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations
23	78	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations
24	83	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations
25	84	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations

26	86	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations
27	97	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations
28	90	Truck	Electrician	Utilities Director	NO*	NO	Daily Field Operations
29	91	Truck	Field Operator	Field Ops Supervisor	NO*	NO	Daily Field Operations
<b>PLANT OPERATIONS</b>							
30	77	Truck	Plant Operator	Plant Ops Supervisor	NO*	NO	Daily Plant Operations
31	80	Truck	Plant Operator	Plant Ops Supervisor	NO*	NO	Daily Plant Operations
32	82	Truck	Plant Operator	Plant Ops Supervisor	NO*	NO	Daily Plant Operations
33	85	Truck	Plant Operator	Plant Ops Supervisor	NO*	NO	Daily Plant Operations
34	88	Truck	Plant Operator	Plant Ops Supervisor	NO*	NO	Daily Plant Operations
35	79	Truck	Plant Operator	Plant Ops Supervisor	NO*	NO	Daily Plant Operations

\*Authorized to take home when "on call."

\*\*Approved by City Manager

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 09-08-25G**

**NO SMOKING ORDINANCE**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, REPEALING ORDINANCE 07-02-20B, "SMOKING ORDINANCE," ESTABLISHING A NEW NO SMOKING ORDINANCE FOR THE REGULATION AND PROHIBITION OF SMOKING IN PUBLIC PLACES WITHIN THE LIMITS OF CITY OF HORSESHOE BAY; PROHIBITING SMOKING IN ENCLOSED PUBLIC PLACES, PLACES OF EMPLOYMENT, AND WITHIN 15 FEET OF THEIR ENTRANCES, PROHIBITING SMOKING IN THE SEATING AREAS OF OUTDOOR ARENAS, STADIUMS, AND AMPHITHEATERS; PROVIDING FOR DEFINITIONS; REQUIRING THAT NO SMOKING SIGNS BE POSTED; REQUIRING THAT FACILITIES FOR THE EXTINGUISHMENT OF SMOKING PRODUCTS BE PROVIDED; ESTABLISHING AN AFFIRMATIVE DEFENSE TO PROSECUTION; PROVIDING FOR ENFORCEMENT, INCLUDING CIVIL FINES NOT TO EXCEED \$100 AND CRIMINAL PENALTIES NOT TO EXCEED \$200; PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING**

- WHEREAS,** the City Council of the City of Horseshoe Bay (the "City Council") acknowledges that numerous scientific studies have determined that tobacco smoke is a significant indoor air contaminant, associated with respiratory illnesses, including lung cancer, asthma and emphysema; and
- WHEREAS,** the City Council has been informed that smoking is a cause of preventable death in Texas; and
- WHEREAS,** the City Council is authorized to prohibit nuisances pursuant to Texas Local Government Code section 217.002; and
- WHEREAS,** pursuant to Texas Local Government Code section 51.001, the City Council may adopt an ordinance, rule or police regulation that is for the good government, peace or order of the City or the trade and commerce of the City; and
- WHEREAS,** the City Council finds that prohibiting smoking within certain buildings, facilities and enclosed public areas within the limits of the City promotes the health, safety, and welfare of the citizens of Horseshoe Bay; and
- WHEREAS,** the City Council has previously adopted ORD 07-02-20B, prohibiting smoking in City buildings and facilities;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:**

**I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**II. AMENDMENT**

Ordinance No. ORD 07-02-20B, enacted February 20, 2007 and commonly known as the "Smoking Ordinance," is hereby repealed and replaced in its entirety with this Ordinance. For purposes of Section 10 of the City of Horseshoe Bay Personnel Policy, this Ordinance shall replace ORD 07-02-20B.

**III. POPULAR NAME**

This Ordinance shall be commonly referred to as the City's "No Smoking Ordinance."



## IV. SMOKING REGULATIONS

### a) Compliance Required

It shall be unlawful for any person to violate the provisions of this Ordinance.

### (b) Definitions

As used in this Ordinance, the following words shall have the definitions ascribed to them by this section, except where the context clearly indicates a different meaning:

*Bar* means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

*Business* means a sole proprietorship, partnership, joint venture, corporation, trust or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; governmental entities; and private clubs.

*City* means the City of Horseshoe Bay, an incorporated municipality located in Llano County, Texas and Burnet County, Texas, its agents and employees.

*City Council* or *Council* means the governing body of the City of Horseshoe Bay, Texas.

*Employee* means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

*Employer* means a person, business, partnership, association, corporation, including a municipal corporation, or trust, that employs the services of one or more individual persons.

*Enclosed Area* means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from floor to ceiling.

*Health Care Facility* means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

*Person* means an individual, corporation, partnership, association or any other legal entity.

*Place of Employment* means an area under the control of a public or private employer that employees access during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, private offices, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a 'place of employment' unless it is used as a child care, adult day care, or health care facility. A private vehicle is not a place of employment unless it is being used in the course of employment.

*Private* means a gathering of persons for the purpose of deliberation, education, instruction, entertainment, amusement, or dining, where specific invitation is a prerequisite to entry and where the event is not intended to be open to the general public. A private residence is not a 'public place' unless used as a child care, adult day care, or health care facility. A private vehicle is not a 'public place.' A private club is a 'public place' when being used for a function to which the general public is invited.

*Public place* means an enclosed area to which the general public is invited or in which the public is permitted, including, but not limited to:

- (1) Aquariums, galleries, libraries, and museums;
- (2) Areas available to and customarily used by the general public in businesses;
- (3) Bars;
- (4) Bingo facilities;
- (5) Child care and adult day care facilities;
- (6) Convention facilities;
- (7) Educational facilities, both public and private;
- (8) Elevators;
- (9) Gaming facilities;
- (10) Governmental facilities, including buildings and vehicles;

- (11) Health care facilities;
- (12) Hotels and motels;
- (13) Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (14) Polling places;
- (15) Pool and billiard halls;
- (16) Private clubs when being used for a function to which the general public is invited.
- (17) Public transportation facilities, including airports, public transit depots and ticket, boarding, and waiting areas under the authority of the City of Horseshoe Bay;
- (18) Resort facilities;
- (19) Restaurants;
- (20) Restrooms, lobbies, reception areas, hallways, and other common-use areas;
- (21) Retail establishments;
- (22) Service lines;
- (23) Shopping malls;
- (24) Sports arenas; and
- (25) Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

**Resort Facilities:** Overnight lodging, restaurants, recreational facilities, resort business offices, and amenities and/or meeting rooms that are designed to provide for all the needs of members and visitors to the resort.

**Retail Tobacco Store** means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. A store shall be deemed as utilized primarily for the sale of tobacco products and accessories if at least 75% of the gross revenue of the store derives from tobacco products and tobacco accessories.

**Restaurant** means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.

**Service Line** means a line in an enclosed area in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

**Smoking or to smoke** means the possession of a burning tobacco product, weed or other plant product. The term includes, but is not limited to, the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or device, or the lighting of, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

**Sports Arena** means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

**Tobacco product** means the product derived from the dried leaves of any one of the various species of nicotine, including but not limited to the species nicotine tabacum, the broad-leafed native American plant, which is utilized for smoking. For purposes of the City’s tobacco-free workplace policy, it shall also include chewing tobacco, snuff, and any other form of “smokeless tobacco.”

**Shopping Mall or Shopping Center** means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

#### **(c) City Policy and Application of Article to City-Owned Facilities**

The City is a tobacco-free work place. Employees are prohibited from using any form of tobacco product while on duty except for designated break periods. Employees and visitors are prohibited from smoking or using any form of tobacco product inside any vehicle, building, facility or enclosed public area, or any portion thereof, owned by, leased by, operated by or otherwise under the management or control of the City.

All enclosed areas in city owned facilities, including buildings and vehicles owned, leased, or operated by the City of Horseshoe Bay, shall be subject to the provisions of this Article.

#### **(d) Prohibition of Smoking in Enclosed Public Places**

Smoking shall be prohibited in all enclosed areas in public places within the City.

**(e) Prohibition of Smoking in Places of Employment**

- (1) Smoking shall be prohibited in all enclosed areas within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- (2) This prohibition on smoking shall be communicated within four weeks of adoption to all employees and posted conspicuously in all workplaces under the employer's jurisdiction.

**(f) Prohibition of Smoking in Outdoor Arenas and Stadiums**

Smoking shall be prohibited in the seating areas of all outdoor arenas, stadiums, and amphitheaters.

**(g) Reasonable Distance**

Smoking is prohibited within a reasonable distance of fifteen (15) feet outside an enclosed area where smoking is prohibited.

**(h) Exemptions**

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt and not regulated by the provisions of this Article:

- (1) Private residences, except when used as a licensed child care, adult day care, or health care facility.
- (2) Private vehicles, except when being used in the course of employment.
- (3) Hotel and motel rooms that are rented to guests and designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under this Article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (4) Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Article.
- (5) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Article.
- (6) Outdoor areas of places of employment except those covered by the provisions of section IV (e)(1).
- (7) Designated public and private outdoor dining, outdoor beverage and outdoor smoking areas, including patios, decks and balconies of restaurants, and resort facilities.

**(i) Declaration of Establishment as Nonsmoking**

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking area. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section (j) is posted.

**(j) Posting of Signs and Facilities**

- (1) Signs depicting the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) shall be clearly and conspicuously posted at the entrance of every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
- (2) All signs required under this section must be only 5 inches x 5 inches and shall include the information required in this section.
- (3) The sign provisions of this ordinance do not in any way impair, affect, or otherwise invalidate the Sign Ordinance of the City of Horseshoe Bay.
- (4) A person commits an offense if he destroys or defaces a sign posted as required by this Ordinance.

**(k) Non-retaliation; Non-waiver of Rights**

- (1) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for

employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.

(2) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

## **V. ENFORCEMENT**

### **(a) Enforcement**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance. There shall be no requirement of a culpable mental state for a violation of this Ordinance.

### **(b) Criminal Prosecution**

(1) Any person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of an infraction and be fined a sum not exceeding two hundred dollars (\$200), except as may be otherwise expressly provided by state law. Each time that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C misdemeanor.

(2) Any person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:

(A) a fine not exceeding one hundred dollars (\$100) for a first violation.

(B) a fine not exceeding two hundred dollars (\$200) for a second violation within a period of twelve (12) consecutive months and for each additional violation within a period of twelve (12) consecutive months

### **(c) Civil Remedies**

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

(1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;

(2) a civil penalty up to one hundred dollars (\$100) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) other available relief.

## **VI. EFFECTIVE DATE**

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

## **VII. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

## **VIII. SEVERABILITY**

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

## **IX. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Revised: February 18, 2025

**ADOPTED AND APPROVED** on this 25<sup>th</sup> day of August, 2009 by the City Council of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

/S/

**Robert W. Lambert, Mayor**

**Attest:**

/S/

**Teresa L. Moore, City Secretary**

## **Appendix H      Travel Time Reimbursement**

Travel time during one work day:

The time spent by a nonexempt employee commuting from home to work is not considered working time and will not be paid. However, if a nonexempt employee travels to a seminar, training session, or business meeting that lasts for the day, the employee will be paid for the time spent traveling to the event, as well as all time spent at the event. For example, if a nonexempt employee leaves from home and travels two hours to a seminar, attends the seminar for eight hours, and then drives home for two hours, the employee will be paid for the eight hours spent at the seminar as well as for the four hours of travel time. However, the amount of time that the employee normally spends commuting to and from the workplace will be deducted from the total travel time.

Travel time exceeding one work day:

When a nonexempt employee travels to a seminar, training session, or business meeting that exceeds one work day, the employee will only be paid for travel time that cuts across the employee's regular workday hours. For example, if the nonexempt employee normally works from 8:00 a.m. to 5:00 p.m. and leaves at 4:00 p.m. to travel to an event that will be held the following day, he/she is only entitled to one hour of travel time for that day (from 4:00 p.m. to 5:00 p.m.) even if he travels until 9:00 p.m. Travel time occurring on a day that is not the employee's regular working day will be paid if it occurs during the employee's regular working hours. For example, if the employee travels on a non-working day during his regular working hours of 8:00 a.m. to 5:00 p.m., the employee will be paid for 8 hours travel time. The normal one hour meal period will be deducted from the total travel time.

**Appendix I      Disciplinary Notice**

**City of Horseshoe Bay  
Disciplinary Notice**

Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Position/Title: \_\_\_\_\_

**REASON FOR NOTICE:**

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**ACTION TAKEN ON THIS NOTICE:** All supporting documents should be attached to this cover sheet.

- ☐ Verbal Warning (Counseling)
- ☐ First Written Warning
- ☐ Second Written Warning (Optional)
- ☐ Disciplinary Suspension (Optional)
- ☐ Investigative Suspension
- ☐ Probation (Optional) [Must complete a Disciplinary Probation Evaluation and attach]
- ☐ Termination
- ☐ Other (specify)

**Discussion:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUPERVISOR'S COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EMPLOYEE'S COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EMPLOYEE'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SUPERVISOR SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**If action is Disciplinary Suspension, Investigative Suspension or Termination, the following signatures are required.**

**Dept. Head:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **City Manager:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**NOTE:** If, in the opinion of the Department Head and with approval of the City Manager, an infraction is serious enough, any and all steps may be bypassed and discharge may occur at any time. A copy of this notice must be given to the employee and a copy placed in the employee's personnel file.

## Appendix J      Disciplinary Probation Evaluation

### DISCIPLINARY PROBATION EVALUATION

Employee Name: \_\_\_\_\_ Department: \_\_\_\_\_

Length of Disciplinary Probation: \_\_\_\_\_ Date of Start of Probation: \_\_\_\_\_

Date for Mid-Point Evaluation: \_\_\_\_\_ Date for Final Evaluation: \_\_\_\_\_

Instructions: List the attributes in which the employee is deficient. Then rate the employee's performance within that attribute and qualify the changes that must be met in the Expectation column.

0 = Unsatisfactory

1 = Needs Improvement

2 = Satisfactory

ATTRIBUTE	RATING	EXPECTATION

☐ BEGINNING EVALUATION: \_\_\_\_\_  
(Evaluator Signature) (Date) (Employee Signature) (Date)

☐ MID-POINT EVALUATION: \_\_\_\_\_  
(Evaluator Signature) (Date) (Employee Signature) (Date)

☐ FINAL EVALUATION: \_\_\_\_\_  
(Evaluator Signature) (Date) (Employee Signature) (Date)

☐ I recommend continued employment for this employee.

☐ I recommend this employee be terminated before the end of the disciplinary probation period due to reasons set forth on the accompanying documents.

☐ Employee resigned before completion of probation period.

Evaluator Comments: \_\_\_\_\_

Employee Comments: \_\_\_\_\_

REVIEWED: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
(Department Head) (Date) (City Manager) (Date)

(Copy of completed evaluation to be given to 1) employee, 2) local file, and 3) Human Resources Administrator.)

Examples of some common employee attributes:



**ATTENDANCE AND RELIABILITY**

The extent to which the employee arrives on time and demonstrates consistent attendance; the extent to which the employee contacts supervisor on a timely basis when employee will be late or absent.

**KNOWLEDGE OF JOB**

The extent to which the employee knows and demonstrates how and why to do all phases of assigned work, given the employee's length of time in his/her current position.

**QUALITY OF WORK, ACCURACY**

The extent to which the employee's work is well executed, thorough, effective and accurate.

**QUANTITY OF WORK**

The extent to which the employee accomplishes assigned work of a specified quality within a specified time period.

**COOPERATION WITH OTHERS**

The extent to which the employee gets along with other individuals. Consider the employee's tact, courtesy, and effectiveness in dealing with co-worker, supervisors, and customers.

**INITIATIVE, CREATIVITY, INNOVATION**

The extent to which the employee is self-directed, resourceful and creative in meeting job objectives; consider how well the employee follows through on assignment and modifies or develops new ideas or methods to effectively meet changing circumstances.

**CAPACITY TO DEVELOP**

The extent to which the employee demonstrates the ability and willingness to accept new or more complex responsibilities.

**OTHER**

List other behaviors/attributes in which an employee is deficient.



# CITY OF HORSESHOE BAY

## VEHICLE ASSIGNED TO EMPLOYEE FOR TRANSPORTATION TO TRAINING OR OTHER CITY BUSINESS

Vehicle: \_\_\_\_\_

Training/Business Location: \_\_\_\_\_

Training/Business Dates: \_\_\_\_\_

I, \_\_\_\_\_, understand that I will be authorized to drive the above listed vehicle to the training/business location on the dates listed above. Documentation of the training/business purpose is attached. I understand that I am representing the City of Horseshoe Bay at all times while driving this vehicle and agree to abide by all laws of the States, Counties and/or Municipalities that I travel through or to. I have reviewed the City Policy with regards to the use of City vehicles (Article IX, Section 4) and agree to abide by all rules and regulations.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager/Supervisor Signature

\_\_\_\_\_  
Date

---

## NO VEHICLE AVAILABLE FOR TRAINING OR OTHER CITY BUSINESS

I, \_\_\_\_\_, understand there is no available vehicle to use for transportation to my training class or business purpose. Since a vehicle is not available, I understand that I will be paid mileage for the use of my personal vehicle at a rate established by the City's Personnel Policy Appendix G. Distance used to compute mileage will be validated through an online mapping program. (Google Maps, MapQuest, etc.). I understand that a copy of the mapping program result should be attached to the reimbursement request along with documentation of the training/business purpose.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager/Supervisor Signature

\_\_\_\_\_  
Date

## **Appendix L      Code of Ethics – Added 09/17/2012**

### **City of Horseshoe Bay Code of Ethics**

#### **I. DECLARATION OF POLICY**

It is hereby declared to be the policy of the City of Horseshoe Bay that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only to the people of the City; that the governmental decisions and policy be made in the proper channels of the governmental structure; that no official, employee or member of any standing committee or board should have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his/her duties in the public interest; that public office not be used for personal gain; and that the City Council at all times shall be maintained as a nonpartisan body. To implement such a policy, the City Council deems it advisable to enact a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

#### **II. DEFINITIONS**

In this article, unless the context otherwise requires:

*Employee* means any person employed by the City, including those individuals on a part-time basis, but shall not be extended to apply to any independent contractor.

*Official* means member of the City Council and any appointive member of a board, commission or committee set up by ordinance or State law on a permanent basis; but does not include members of a board, commission or committee that functions only in an advisory or study capacity and which does not have the power to make findings as to the rights of specific parties.

#### **III. STANDARDS OF CONDUCT**

No official or employee of the City shall:

- (a)** Accept any gift or favor from any person, firm or corporation that might reasonably tend to influence him/her in the discharge of his/her official duties, or grant in the discharge of his/her official duties any improper favor, service or thing of value. This shall not include a de minimis gift or favor with a value of less than \$100.
- (b)** Use his/her official position to secure special privileges or exemptions for himself/herself or others.
- (c)** Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is available to every other citizen, individual, business organization or group. This shall not prohibit the granting of fringe benefits to City employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.
- (d)** 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/her official position or employment for his/her own personal gain or benefit or for the private interest of others.

**(e)** Transact any business on behalf of the City in his/her official capacity with any business entity with which he/she is an official, agent or member, or in which he/she owns a substantial interest. In the event that such a circumstance should arise, then he/she shall make known his/her interest, and in the case of an official, abstain from voting on the matter, or in the case of an employee, turn the matter over to his/her superior for reassignment, state the reasons for doing so, and have nothing further to do with the matter involved.

**(f)** Engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to him/her in the employment of the City, or reflect discredit upon the City, or in which his/her employment in the City will give him/her an advantage over others engaged in a similar business, vocation or activity.

**(g)** Accept other employment or engage in outside activities incompatible with the full and proper discharge of his/her duties and responsibilities with the City, or which might impair his/her independent judgment in the performance of his/her public duty.

**(h)** Receive any fee or compensation for his/her services as an official or employee of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit his/her performing the same or other services for a private organization that he/she performs for the City if there is no conflict with his/her City duties and responsibilities.

**(i)**

**(1)** No City Councilmember or employee shall represent, directly or indirectly, or appear in behalf of private interests of others before any agency of the City or any City board, commission or committee, nor shall he/she represent any private interest of others in any action or proceeding involving the City, nor participate on behalf of others in any litigation to which the City might be a party, nor shall he/she ever accept any retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies.

**(2)** No other official shall represent, directly or indirectly, or appear in behalf of the private interests of others before a board, commission or committee of which he/she is a member, or before the Council or board which has appellate jurisdiction over the board, commission or committee of which he/she is a member, with regard to matters that may be the subject of specific action by any such body.

**j.** Use the prestige of his/her position in behalf of any political party, but he/she shall at all times maintain the nonpartisan policy of the City, provided that all officials and employees are encouraged to register and vote as they may choose in all local, state and national elections.

**k.** Knowingly perform or refuse to perform any act to deliberately thwart the execution of the City ordinances, rules or regulations, or the achievement of official City programs.

**l.** Use City supplies, equipment or facilities for any purpose other than the conduct of official City business.

**m.** Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City or that reflects discredit upon the government of the City.

#### **IV. DISCLOSURE OF INTEREST**

Any official, whether elected or appointed, who has either a personal or private interest in any matter pending before his/her committee or board, shall disclose such interest to the other members of the

committee or board and shall refrain from discussing the same with any other member of the committee or board and shall not vote thereon.

#### **V. ONE-YEAR PROHIBITION OF TRANSACTIONS WITH CITY AFTER OFFICIAL'S TERMINATION OF SERVICE**

Any official, whether elected or appointed, shall be disqualified, for a period of one (1) year after termination of service with the City, from entering into any transactions or contracts with the City where he/she shall have a financial interest either directly or indirectly.

#### **VI. REPORTS BY CITY'S AUDITOR**

Each year, at the time of the annual audit of the financial affairs of the City, the City's auditor shall comment in a special report to the City Council on any and all financial transactions between the City and its officials and employees.

#### **VII. VIOLATIONS; DECISIONS**

The failure of any official or employee to comply with or who violates one or more of the foregoing standards of conduct which apply to him/her shall constitute grounds for expulsion, reprimand, removal from office or discharge, whichever is applicable. In the case of a City Councilmember, the matter shall be decided by a majority of the remainder of the Councilmembers. In the case of members of boards or commissions, the matters shall be decided by the City Council. The decision of these bodies shall be final in the absence of bias, prejudice or fraud.

Adopted and approved on September 17, 2012, by unanimous vote of the Council of the City of Horseshoe Bay during a regularly scheduled meeting.

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Robert W. Lambert, Mayor