



CITY OF PORTLAND
PERSONNEL POLICY MANUAL

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NOTICE TO ALL EMPLOYEES

This employment manual has been prepared as a guide and reference for all employees of the City of Portland. This employment manual is intended solely as a guide. It should not be construed as creating a contract of employment between the City and any of its employees. It does not, in any way, revoke, alter or modify the at-will status of the employment relationship between the City and employee. The City expressly reserves the right to unilaterally modify or amend this manual at its sole discretion, with or without notice to employees.

1.00 GENERAL POLICIES

1.01 AUTHORITY. These policies are established by the Portland City Council. The Council must approve any deletions, amendments, revisions, or additions to the policies.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the city council.

In addition to these personnel policies, department heads may establish departmental rules and regulations that relate specifically to their departments as long as they do not conflict with these policies. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, shall prevail. Departmental rules and regulations must be approved by the city manager.

The City also maintains a Safety Policy approved by the city manager, which all employees must read and follow.

1.02 SEVERABILITY. The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES. The city manager is responsible for the administration of the personnel policies and procedures. The city manager may delegate authority to appropriate staff members to act in his or her behalf in the administration of these policies and procedures.

With the exception of matters of appointments and any other personnel actions reserved to the city council by statute or ordinance, final authority on appointments and personnel decisions is reserved to the city manager.

1.04 PURPOSE. These policies set forth the primary rules governing employment with the city. The policies contained here inform employees of the benefits and obligations of employment with the city. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors, which will result in high quality public service to the citizens of the city.

1.05 APPLICABILITY OF PERSONNEL POLICIES. These personnel policies apply equally to all employees of the city unless a class of employees is specifically exempted by these policies.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

1.06 DISSEMINATION OF PERSONNEL POLICIES. The city manager and the personnel department maintain the official set of the personnel policies with all revisions for reference by employees. In addition, the personnel department will provide a complete copy of this manual and copies of all subsequent revisions to each department head, who is responsible for notifying employees of policy changes and making the updated manual available to employees. If a question arises about a particular policy, the official set of policies maintained by the city manager/personnel department should be consulted and will control.

Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within two weeks of employment, every employee is required to sign an acknowledgment of having read the Personnel Policies Manual and understood the policies contained in it.

1.07 EQUAL EMPLOYMENT OPPORTUNITY. It is the policy of the city to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on a person's race, age, religion, color, handicap, national origin, sex, political affiliation or belief. Personnel decisions will be made only on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Retaliation or discrimination against an employee for alleging discrimination on any of the bases covered in this chapter is prohibited.

1.08 AFFIRMATIVE ACTION. It is the policy of the City to identify and hire only the best qualified applicants for any job. Within the bounds of that philosophy, the city will seek to include qualified members of minority, handicapped, and disabled and Vietnam-era veteran groups in applicant pools. It is the policy of the city that all applicants and employees are treated fairly and without discrimination based on race, color, handicap, religion, sex, national origin, age, political affiliation or belief, or any other non-merit factor.

1.09 ANTI-HARASSMENT

It is the policy of the City to maintain a working environment which encourages mutual respect, promotes respectful and congenial relationships between employees and is free from all forms of harassment of any employee or applicant for employment by anyone, including supervisors, co-workers, vendors, or citizens. Harassment in any manner or form is expressly prohibited and will not be tolerated by the City. Accordingly, the City is committed to vigorously enforcing this policy against harassment, including but not limited to sexual harassment, at all levels within the City.

All reported or suspected occurrences of harassment will be promptly and thoroughly investigated. Where harassment is determined to have occurred, the City will immediately take appropriate disciplinary action, including written warnings and possible suspension, transfer and/or termination.

The City will not permit or condone any acts of retaliation against anyone who files harassment complaints or cooperates in the investigation of same.

Definitions

The term harassment includes but is not limited to unwelcome slurs, jokes, verbal, graphic or physical conduct relating to an individual's race, religion, sex, age, national origin, or disability.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is an explicit or implicit term or condition of employment;
2. employment decisions are based on an employee's submission to or rejection of such conduct; or,
3. such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

The term harassment may also include conduct of employees, supervisors, vendors and/or citizens who engage in verbally or physically harassing behavior which has the potential for humiliating or embarrassing an employee of the City.

Filing a Complaint of Harassment

The City provides its employees with a convenient and reliable method for reporting incidents of harassment, including sexual harassment.

Any employee who feels that they have been or are being harassed, or discriminated against, is encouraged to immediately inform the alleged harasser that the behavior is unwelcome. In most instances, the person is unaware that their conduct is offensive and when so advised can easily and willingly correct the conduct so that it does not reoccur. If the informal discussion with the alleged harasser is unsuccessful in remedying the problem or if such an approach is not possible, the employee should immediately report the complained-of conduct to their immediate supervisor or department head. The report should include all facts available to the employee regarding the harassment.

All reports of harassment will be treated seriously. However, absolute confidentiality is not promised nor can it be assured. The City will conduct an investigation of any complaint, which will require limited disclosure of pertinent information to certain parties, including the alleged harasser.

Investigation of Harassment Complaints

Once a complaint is received, the City will begin a prompt and thorough investigation. The investigation may include interviews with all involved employees, including the alleged harasser, and any employees who are aware of facts or incidents alleged to have occurred.

The personnel director will maintain a separate, confidential file on the investigation, with limited access. Investigative documents will not be placed in personnel files.

Determination/Conclusion of Investigation

Once the investigation is completed, a determination will be made regarding the validity of the harassment allegations. If it is determined that harassment has occurred; prompt, remedial action will be taken. This may include some or all of the following steps:

1. Restore any lost terms conditions or benefits of employment to the complaining employee.
2. Discipline the harasser. This discipline can include:
 - a. Written disciplinary warnings
 - b. transfer;
 - c. demotion;
 - d. suspension; or;

- e. discharge.

If the harassment is from a vendor or citizen the City will take appropriate action to stop the complained-of conduct.

Examples of Prohibited Conduct

The City considers the following conduct to represent some of the types of actions that violate this harassment policy:

1. Physical assaults of a sexual nature.
2. Unwanted sexual advances, propositions or other sexual comments, i.e., sexual jokes, vulgar language.
3. Sexual or discriminatory displays, photographs or publications in any location in the workplace, i.e., any sexually suggestive pictures, cartoons, photographs, or magazines.
4. Phone calls from vendors or customers which are verbally abusive.

The above list is not meant to be exhaustive but is included to provide examples of prohibited actions.

Duties of Employees

All employees of the City, both management and non-management, are responsible for assuring that a workplace free of harassment is maintained. Any employee may file a harassment complaint regarding incidents experienced personally or incidents observed in the workplace. The City strives to maintain a lawful, pleasant work environment where all employees are able to effectively perform their work without interference of any type and requests the assistance of all employees in this effort.

Duties of Department Heads and Supervisors

All department heads and supervisors are expected to adhere to the Company's anti-harassment policy. Department heads and supervisors are responsible for doing all they can to prevent and discourage harassment from occurring. If a complaint is raised, they are to act promptly to proceed with an investigation.

If a department head or supervisor fails to follow this policy they will be disciplined. Such discipline may include termination.

1.10 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS. These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the city council. In addition, the city manager conducts an annual review of the policies contained in this manual as a part of the budget process and submits any necessary or recommended changes to the city council for approval prior to the beginning of the new fiscal year. Changes will be made to the personnel policies contained in this manual for the following purposes: to clarify and/or enhance existing policies; to add new policies or amend existing policies in order to improve current management practices; and to bring current policies into conformance with changes in law or city policy.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit the suggestion to their department head for consideration during the annual review process. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

Department heads are provided copies of all changes to these personnel policies, and employees are notified of changes by the personnel department as soon as practicable.

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL. The city is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, and to do their part in maintaining good relationships with the public, their supervisors, city officials, and their fellow employees.

2.02 PROFESSIONAL APPEARANCE. Employees of the city are hired to provide services to the city's citizens and to perform specific tasks in a professional manner. As representatives of the city, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the city does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner that is appropriate to the particular job being performed. Neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the city's work force.

2.03 TIMELINESS AND ATTENDANCE. Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work. An employee who expects to be late for, or absent from, work must report the expected tardiness or absence to his or her supervisor not later than the time when the employee is scheduled to begin work, unless emergency conditions exist. (It is preferable, and may be required in some departments, for an employee who will be late or absent to contact his or her supervisor or department head at least two hours prior to the employee's scheduled time to begin work unless emergency conditions exist.) See also the Leave Time chapter of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

2.04 OUTSIDE EMPLOYMENT. Employees may not engage in any outside employment, activity, or enterprise determined by the employee's department head (1) to be inconsistent or incompatible with employment with the city; (2) to affect the employee's job performance adversely, or (3) to conflict with the employee's call-out or mandatory overtime requirements.

An employee who wishes to engage in such an activity must prepare a full and complete written request describing the employment activity for which permission is requested, and must have the advance approval of his or her department head to engage in any outside employment including

self-employment.

A department head approving outside employment shall send a copy of the employee's request and department head's approval to the personnel department for inclusion in the employee's personnel file.

If a city employee is injured on the job in the course of employment outside of his or her employment with the city, the employee may not file a workers' compensation claim against the city for benefits related to the injury, regardless of the fact that the city manager or department head may have approved of the outside employment.

Employees denied the right to engage in outside employment may appeal the department head's determination to the City manager whose decision is final.

2.05 GIFTS AND GRATUITIES. A city officer or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the city. In no event should a city officer or employee accept any gift or gifts totaling more than \$25 in any one year from any one person or entity. See "Conflict of Interest" section below.

2.06 CONFLICT OF INTEREST. An officer or employee of the city will neither have financial interests in the profits of any contract, service, or other work performed for the city nor derive personal profit directly or indirectly from any contract, purchase, sale, of service between the city and any person or company.

An officer or employee may not: (1) solicit or accept or agree to accept a financial benefit, other than from the city, that might reasonably tend to influence his or her performance of duties for the city or that he or she knows or should know is offered with intent to influence the employee's performance; (2) accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties; (3) accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the city; (4) make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the city; or (5) solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a city employee in favor of that person.

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

An employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

In addition, any city employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) City employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the federal government.

All city employees are prohibited from participating in any way in any political activity while wearing a city uniform, regardless of whether the employee is on duty or on his or her own time. In addition, no city owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

2.08 CHAIN OF COMMAND. Individual city employees are responsible to the department head or city manager or to a supervisor designated by the department head or city manager. Department heads are responsible to the city manager. The city manager is responsible to the city council as a whole. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command.

From time to time, a city council member or other elected official outside the normal chain of command may make requests of, or assign a task to, a city employee. Employees given unusual or non-routine instructions by an elected official should immediately notify their supervisor.

Communication with the news media about city issues or problems is normally the responsibility of the city manager. When approached by the media, employees may grant interviews on issues relating to their own job duties. Reporters should be referred to a supervisor, department head or the city manager for issues outside the scope of the employee's job.

2.09 SOLICITATION OF FUNDS FOR CITY PROJECTS. At times, projects may be undertaken whereby funds are solicited from private citizens, businesses, and organizations on behalf of the city. Before any solicitation of funds begins, the department head must notify and

receive the approval of the city manager. Participation on the part of any city employee in a fund raising effort on behalf of the city is strictly voluntary.

2.10 TELEPHONE USE. Telephones are to be used for city business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

2.11 UNIFORMS. In the police, fire, and public works departments, some employees are required to wear uniforms that are furnished by the city. In some departments, the employee is responsible for paying the maintenance costs; in other departments, rented uniforms may be an option, in which case the city may pay the rental and laundering costs. In all cases, employees must keep their uniforms neat and clean.

3.00 HIRING PRACTICES

3.01 METHODS OF RECRUITMENT AND SELECTION. The city has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) public announcement and competitive consideration of applications for employment, and; (4) selection from a valid current eligibility list.

If two or more applicants have substantially equal qualifications, and one is a current city employee, the current city employee will be given preference over the other applicant(s). The city does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the city when a specific vacancy does not exist are informed of the manner of advertising city job announcements and that they may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified. After a city position has been filled, all applicants who were interviewed but were not chosen will be notified in writing as soon as practicable.

Applicants for positions within the police department may be required to undergo a modified and more rigorous recruitment process including but not limited to written and oral testing, psychological and background investigations and physical agility assessments.

3.02 POSITION ANNOUNCEMENTS. Public announcements of position openings with the city, for which there will be competitive consideration, are disseminated by the personnel department's office in the manner most appropriate for the particular position being filled, as determined by the city manager. Department heads wanting to fill job vacancies within their departments must submit relevant information about the position to the personnel department, who ensures that job opening announcements are made public through publication in the local newspaper and posting at city hall.

Current employees will be permitted to apply for positions for which they believe themselves to be qualified. A city employee can transfer to another city position without loss of pay if his or her current pay is within the limits set by the city council for the transfer position.

The length of time during which applications will be accepted will be determined by the department head in accordance with the circumstances that exist at the time.

3.03 QUALIFICATIONS. The city maintains a job (class) description that establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications required to fill the position.

3.04 SELECTION. In accordance with the city charter, the city council appoints and may remove the city manager, city attorney, and municipal judge. Except for appointments reserved

to the city council by statute, ordinance, or charter, the city manager has exclusive authority to select and employ all city employees. The city manager may authorize department heads to appoint and remove employees within their departments, subject to approval by the manager and within the limits of these policies and the city budget. Other supervisors may be asked for recommendations as appropriate.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city employee whom the city manager or any of his or her subordinates is authorized to appoint.

Vacancies on the city staff are filled, by promotion or by initial appointment, on the basis of merit as demonstrated by education, experience, and personal interview. Selections of the best qualified persons are made only on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specific job. Political affiliation or personal relationship with employees or members of the city council, or with others connected with the city will not be a factor in the selection, appointment, or length of tenure of employees of the city.

3.05 AGE REQUIREMENTS. Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective city employee under 18 years of age must have written permission (a signed Minor's Release Form) from his or her lawful parent or guardian on file in the city's payroll office prior to the first day of employment.

3.06 APPLICATION FOR EMPLOYMENT. Each person desiring employment with the city must, before employment, fill out the city's official application form and submit other pertinent information regarding training and experience. The city will make appropriate inquiries to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. In the case of applicants for positions which require driving a vehicle, the city will check the prospective employee's driving record prior to offering the applicant employment.

3.07 EMPLOYMENT OF RELATIVES (NEPOTISM). Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the city.

The City shall not employ, nor allow to remain employed, within the second degree of affinity (by marriage) or third degree of consanguinity (by blood), relatives of any City Council member (which includes the Mayor), or the city manager as shown on the kinship chart that follows. This directive also applies when both employees are in the same department where one is the supervisor over the other, or where any two positions have potential conflicts or create the potential for collusion.

The only exceptions to this entire nepotism policy shall be:

- (1) If the position is temporary in nature (i.e., seasonal or temporary help) and will not be upgraded to a full-time position.
- (2) If the situation is specifically allowed by law.

NEPOTISM CHARTS

3.08 TESTING. Except for drug and psychological tests, written testing for certified police officers and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be keyboarding and 10-key touch tests, where applicable, or specifically job-related ("piece-of-the-job") tests (e.g., operating equipment, lifting something heavy required in the job, tabulating columns of numbers, giving writing samples).

3.09 PHYSICAL STANDARDS. A person is required to pass a physical examination prior to employment and will not be placed on the city payroll until he or she has passed the physical exam. Back x-rays are required for persons who will perform physical labor.

In conjunction with the city's commitment to provide a drug free work environment for its employees, the city requires all prospective employees for regular, full time positions with the city to be tested by a licensed physician of the city's choice and declared in writing by a physician to show no trace of drug dependency or illegal drug usage. This testing will be performed in compliance with the City's Drug Testing Policy.

In addition, prospective new employees for active or reserve police officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health. The required examinations will be made by a physician and psychologist or psychiatrist of the city's choice and will be paid for by the city.

3.10 VERIFICATION OF ELIGIBILITY TO WORK. In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

3.11 DRIVING RECORD. Every city employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record, in accordance with the City of Portland Driving Policy. For this reason, the City will check a prospective employee's driving record prior to offering the applicant employment if the prospective position requires operating a vehicle or piece of equipment. The City may also periodically check driving records of regular employees who operate city vehicles or equipment to ensure employees maintain safe driving records.

3.11.5 CRIMINAL RECORD. The City will obtain a criminal history check on all prospective employees. The City will not employ persons whose criminal history supports a propensity for behavior inconsistent with community standards for City employees.

3.12 DISQUALIFICATION. An applicant is disqualified from employment by the city if he or she (1) does not meet the minimum qualifications for performance of the duties of the position involved; (2) knowingly has made a false statement on the application form; (3) has committed fraud during the selection process; (4) is not legally permitted to hold the position; (5) has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process; (6) does not meet physical requirements as a result of the required physical examination; (7) has not provided proof of citizenship or legal work status in the United States within the first three days of employment; or (8) has been convicted of a crime which, by its nature, is inconsistent with the standards for the position.

3.13 PRIOR SERVICE WITH THE CITY. Employees entering service with the city who have had prior service with the city may be considered for appointment above the customary entry salary level. A break in continuous service with the city, however, forfeits vacation and

sick leave benefits accrued prior to the break.

Former employees who have resigned without adequate notice or who were dismissed for any reason shall not be considered for re-employment, unless consideration is specifically approved by the city manager.

3.14 PLACEMENT ON CITY PAYROLL. New employees must report to the personnel department before or during their first day of employment to fill out employment forms and be scheduled for new employee orientation.

3.15 ORIENTATION AND TRAINING. Before an individual begins performing his or her actual duties, he or she will be given a brief orientation by the supervisor for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand better his or her job and its relationship of the job to the overall operation of the city. The orientation includes, but is not limited to, items on the Employee Orientation Checklist.

During the orientation, employees are given a copy of the Personnel Policies Manual to read within two weeks, are informed of its continued availability to them and the reference locations, and are given information about the city's benefit programs.

Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision.

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES. There are four categories of employment with the city:

Regular Full Time. A regular full-time employee is hired to an authorized position that involves, on the average, 40 work hours per week and that is expected to last at least six months. Regular full-time employees may be either hourly or salaried employees.

Regular Part Time. A regular part-time employee is hired to an authorized position that involves 20 or more work hours per week and that is expected to last at least six months. Part-time employees are paid on an hourly basis.

Temporary Full Time. A temporary full-time employee is an employee hired to work an average of 40 hours per week on a temporary basis, usually not longer than 6 months. Temporary full-time employees may be either hourly or salaried employees.

Temporary Part Time. A temporary part-time employee is an employee hired to work an average of less than 40 hours per week on a temporary basis usually for a period not longer than 6 months. Part-time employees are paid on an hourly basis.

Subject to laws governing pay and working hours and to the provisions of the city's budget, the city manager sets the number of hours required of a job classification and the compensation to be received.

See Benefits chapter of these policies for details of benefits available to each category of employees.

4.02 NEW EMPLOYEE INTRODUCTORY PERIOD. New, regular employees serve a six-month, new employee introductory period except police officers, who will serve a one-year introductory period.

The introductory period gives a new employee the opportunity to learn the requirements of his or her new job and it gives the supervisor an opportunity to evaluate the new employee's work, to secure the most effective adjustment of a new employee to the position, and to recommend dismissal of any employee whose performance does not meet the required work standards.

During the introductory period, the employee's immediate supervisor reports to the department head on the employee's work, ability to perform the duties satisfactorily, attitude, habits, and dependability.

At the end of the introductory period, an employee's performance is reviewed verbally and in writing by the supervisor. If the employee receives a satisfactory performance evaluation, he or she has successfully completed the introductory period.

All employees are employed at will and may be dismissed with or without cause at any time during their employment. In the event that the employee is terminated during this period, he or she will not be paid for any accumulated leave. In the case of employees hired as police officers, he or she will not be paid for any accumulated leave if the termination occurs in the first six months. See Separations chapter of these policies for additional details.

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAY. Pay for city employees is set each year by the city council in the adopted city operating budget. Rules governing pay increases also are established by the city council.

5.02 PAYDAYS. The pay period for the city is biweekly. Checks are issued every two weeks, on the same day of the week. If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday.

5.03 CHECK DELIVERY. Paychecks will not be issued other than on the days set out above. Each department head, or someone authorized to do so in his or her absence, is responsible for picking up the paychecks for employees in that department from the city payroll office on paydays. Paychecks are distributed to individual employees by their department heads or by an individual delegated this responsibility within each department. Only the employee himself or herself, or someone designated in writing by the employee, may receive the check in person.

No salary advances or loans against future salary will be made to any employee for any reason.

An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the city's attention.

5.04 PAYROLL DEDUCTIONS. Deductions will be made from each employee's pay for the following:

Federal social security; Federal income taxes; Court ordered child support; Texas Municipal Retirement System contributions (for regular full-time employees and covered part-time employees); and any other deductions required by law or authorized by the employee.

Deductions from an employee's pay may be authorized by the employee for the portion not paid by the city for group health/medical premiums for the employee or dependents.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the payroll office the appropriate forms for communicating these changes.

5.05 MERIT INCREASES. In any year in which the city council sets aside funds for merit increases, those increases, based on a percentage of the employee's current salary, may be granted for exceptionally good and consistent performance in the same position. If a merit pool of funds is set aside for the forthcoming year during the budgetary process, a specific amount will be designated as a maximum for each department, and the department head will be authorized to approve increases to some (but not all) employees in his or her department,

provided that the total amount of increases does not exceed that department's merit fund budget. Merit increases become effective only after review and approval by the city manager.

Merit increases are not used to recognize increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors or longevity. Merit increases recognize exceptionally good performance that is consistent and thus are granted in conjunction with the supervisor's recommendation and a performance evaluation of the employee, the results of which are one factor used in merit pay decisions.

5.06 COST-OF-LIVING ADJUSTMENTS. In any year during budget deliberations for the forthcoming year, the city council may set aside funds and authorize an across-the-board pay increase. If an across-the-board or blanket cost-of-living pay increase is approved, the increase will be in the form of a percentage rather than a flat dollar amount. When this is done, each salary amount on the pay schedule and each individual employee's salary are adjusted by the authorized percentage increase.

5.07 CLASSIFICATION PLAN. The city maintains a classification plan which assigns each class of positions to a pay group based on the principle of equity among positions requiring similar knowledge, skills, and abilities and having similar levels of responsibility.

5.08 PAY PLAN. Pay ranges for each group are established by a pay plan which is approved by the city council.

5.09 PAY GROUP AND STEPS. Within the general guidelines of the pay plan and the budget, the city council is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the city council.

5.10 PROMOTIONS. A promotion is a change in the duty assignment of an employee which results in advancement to a higher position requiring higher qualifications and involving greater responsibility. Consistent with the pay plan in effect at the time of the promotion, a promoted employee will always receive a pay increase.

Promotions are approved by city manager within the staffing pattern and budget limits approved by the city council.

Upon promotion, an employee serves an introductory period of 90 days in the new position and may be returned to a lower position at any time during the introductory period if performance is inadequate as documented by the department head and attested by the city manager.

5.11 LATERAL TRANSFERS. A lateral transfer is the movement of an employee between positions in the same pay range within the city. Lateral transfers may be made within the same

department or between departments. If, in the opinion of the department head, there is sufficient variation in the two jobs, a 6 month introductory period may be required. In such cases, the employee will be notified of the requirement. An employee will not receive a pay reduction when making a lateral transfer provided that the employee's current salary is within the range approved by the city council for the transfer position.

5.12 DEMOTIONS. A demotion is a change in duty assignment of an employee to a lower paid position. Demotions may be made for the purpose of voluntary assumption of a less responsible position; as a result of a reclassification of the employee's position; or as a disciplinary measure, because of unsatisfactory performance in a higher position. Disciplinary demotions always involve a decrease in pay.

5.13 PAY REDUCTION FOR DISCIPLINARY REASONS. An employee's pay for continued performance in the same position may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed 60 days. See the chapter of these policies on Discipline for information about suspension with or without pay for disciplinary reasons.

5.14 APPROVING AUTHORITY. The city manager is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies, (2) the classification and pay plans, and (3) the annual budget. The city manager approves merit pay increases provided that funds have been specifically set aside for that purpose by the city council. Any merit increases granted by the city manager must be consistent with (1) these policies, (2) the classification and pay plans, and (3) the annual budget.

5.15 LONGEVITY PAY - POLICE OFFICERS ONLY. The city will pay each police officer longevity pay in the amount of \$4.00 per month for each full year of service with the city, beginning at the end of the first full year and up to a maximum of 25 years of service.

5.16 STABILITY PAY. Each year, the city pays to each employee an amount based on a percentage of the employee's base rate of pay calculated from 12/1 to 11/30. In order for any employee to be eligible to receive stability pay, the employee must be employed by the city on the first day of December of the year in which it is paid.

5.17 CERTIFICATION PAY. Employees may be compensated for certified or licensed skills listed and authorized by the City Manager.

5.18. TUITION REIMBURSEMENT. The City believes employee development is important to its success and encourages employees to further their education. After completing six (6) months of employment, full-time employees are eligible to apply for tuition, course books and mandatory fees reimbursement provided each of the following guidelines are met:

1. Requests for educational assistance must be submitted for approval prior to the beginning of the class term.
2. Courses are attended at an accredited college, university or technical school. Courses taken are job related or degree plan courses that will enhance the employee's functions at the City.
3. Grades and receipts of tuition, course books and mandatory fees are submitted to the employee's department head in order to receive reimbursement. The employee must receive a grade of "C" or better upon completion of the course to obtain reimbursement. Requests for reimbursement must be made within six (6) months after completion.

The City retains the discretion to approve or disapprove any tuition reimbursement requests.

The City will reimburse the cost of tuition, books and testing fees to employees who obtain their GED or high school equivalency certificate while employed by the City. Requests for reimbursement must be made within six (6) after completion.

5.19 WORKER'S COMPENSATION. If an employee is injured on the job and ultimately collects Worker's Compensation, the employee must choose from the following two methods of compensation. The purpose of this policy is to prevent employees from receiving double-benefits.

- OPTION 1** The employee may elect to receive compensation provided solely by Worker's Compensation benefits. In this case, the employee will receive no compensation or benefits from the City and expend no sick leave, vacation or compensatory time.
- OPTION 2** The employee may elect to use sick leave, vacation, and/or compensatory time so that he/she will continue to receive full salary and benefits from the City. In such case, the sick leave, vacation or compensatory time shall be expended at a rate commensurate with the percentage of compensation paid by Worker's Compensation. For example, if Worker's Compensation is paying 66% of the employee's salary, the employee would expend 1/3 (33%) of a day of sick leave, vacation or compensatory time for each full day that the employee receives Worker's Compensation benefits.

6.00 WORK SCHEDULE AND TIME REPORTING

6.01 ADMINISTRATIVE WORK WEEK. The official work period for employees in city departments for which separate work periods are not established, either elsewhere in these policies or in written memorandum form approved by the city manager, is a seven-day period beginning at 5:01 p.m. on Wednesday and ending at 5:00 p.m. on the following Wednesday.

Normal working hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Morning and afternoon breaks of 15 minutes each are available to each employee, but this time does not accumulate if not taken.

All city employees are expected to report punctually for duty at the beginning of their assigned workdays and to work the full workdays established.

Other hours of work and official work periods for individuals or groups of employees may be set by the department head with the approval of the city manager.

6.02 WORK PERIOD AND SCHEDULES -- POLICE.

The police chief sets the work schedule for police personnel and notifies them in writing of their work schedule assignments.

Meal Times. Each officer on each shift is given 30 minutes for a meal during the shift. During the meal time, the officers are required to be in their vehicles or to remain in contact with the department; therefore, the meal break counts as "hours worked" under F.L.S.A.

Regular Hourly Rate. Each officer's regular hourly rate for the purpose of computing the time and one-half overtime pay rate is based on 40 working hours per 7-day work period; and time and one-half overtime compensation will commence with the 41st hour worked in a 7-day period.

6.03 SCHEDULE ADJUSTMENTS. Adjustments to the normal hours of operation of city facilities or departments may be made by the city manager in order to serve the public better. Offices may be required to remain open during the noon hour, and lunch periods for some employees may be staggered according to the requirements of the city. Depending upon personnel available, the police chief, in consultation with the city manager, may establish different work schedules for their personnel for temporary periods of time until the personnel shortage has been eliminated.

6.05 OVERTIME WORKED. The policy of the city is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number

of hours under the Fair Labor Standards Act (F.L.S.A.). In the city, this is 40 hours per seven-day workweek.

6.06 EXEMPTIONS FROM F.L.S.A. (OVERTIME COMPENSATION). Department heads and other executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (F.L.S.A.) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

Employees engaged in seasonal activities (such as the city's swimming pool and any other recreational activities which do not operate for more than seven months in any calendar year and satisfy the other prerequisites under F.L.S.A.) are exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees.

Each city job description designates whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of the F.L.S.A. Extra hours worked by executive, administrative, and professional employees may be used as a factor in granting or denying paid leave other than vacation or sick leave.

6.07 OVERTIME COMPENSATION. Nonexempt employees are compensated for overtime worked by being given:

- (1) Equal time off within the same work period.
- (2) Compensatory time off at one and one-half times the number of hours worked, up to the maximum number of hours which may be accrued; or
- (3) If specifically authorized by the department head and approved by the city manager, payment at the rate of one and one-half times the employee's regular hourly rate.

Time and one-half payment for overtime may be authorized by the department head if adequate funds are available in the department's budget and the city council has granted authority to pay overtime.

6.08 COMPENSATORY TIME. No more than 60 hours of compensatory time (representing 40 overtime hours worked) should be allowed to accumulate for non-police employees; and no more than 90 hours (representing approximately 60 hours worked) for police employees, without the express written consent of the city manager.

In any event, the maximum compensatory time accrual allowed for employees whose work involves public safety, emergency response, or seasonal work is 480 hours (320 hours of overtime worked); for all other employees, the maximum is 240 hours (160 overtime hours).

Use of compensatory time will reduce accrued balances in the order that the leave time was accrued (leave accrued first is used first). If not used during that time period, the compensatory time (which was entered and carried on the employee's records at one and one-half times the number of hours worked) will be paid at the employee's regular, straight-time rate of pay for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for hours actually worked). It is preferable for the supervisor and employee to schedule the use of compensatory time off within the same pay period or work period in which the overtime was worked.

6.09 HOLIDAYS WORKED. The city's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in this manual. In most instances, if a regular employee is required to work on a scheduled holiday, he or she will be given an alternate day off, preferably within the same workweek or work period. For the purpose of calculating overtime, holidays count as hours worked. (See "Work During Holidays" Section for a more detailed discussion of this policy.)

6.10 LEAVE OR HOLIDAYS TAKEN AND OVERTIME. If a full-time employee who is subject to the overtime provisions of F.L.S.A. is required to work extra hours during a workweek in which he or she has used sick leave, or any other type of released time (including holiday time off), the employee will be given either hour-for-hour time off or pay for the extra hours at the employee's regular straight-time rate of pay. However, if the extra hours worked are more than the number of leave time hours taken, the employee will be compensated (through compensatory time or through pay) at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken. (See Holidays chapter of these policies for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday.)

6.11 TIME REPORTING. Employees must keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the city.

Time records must be signed by the employee and by the employee's immediate supervisor. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on the job or on particular projects.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the payroll office as well as being recorded on the individual department's records.

6.12 "ON CALL" TIME. The vital nature of certain city services requires that some employees be available in an "on call" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. Employees on "on call" status will be compensated in the manner specified in the department's "ON-CALL POLICY".

Any Public Works Department employee that is scheduled to be on standby will receive an additional \$50.00 per week in compensation for being available as required and will be paid the overtime rate only for the actual time worked on any after-hours call-out. For other employees who may be called out from time to time, such call-outs are considered a requirement of their position for which they receive compensation as part of their base salary.

[This policy assumes that employees in "on call" status either have beepers which allow them substantial mobility or that the employees are allowed substantial flexibility during the "on call" hours in that they report in to a specific telephone number whenever their location changes giving the telephone number at which they can be reached for the next designated period of time.]

7.00 BENEFITS

7.01 MEDICAL AND LIFE INSURANCE. Regular full-time and regular part-time (at least 20 hours per week) employees of the city are eligible for the group hospitalization, medical, and life insurance coverage ninety (90) days after the date of employment with the city. Premiums for regular employees are paid in full by the city. Eligible employees may add dependent coverage at a percentage of the employees' expense.

Upon employment, each employee who is expected to become eligible for insurance coverage is given an insurance booklet containing detailed information about the city's insurance programs and amendments as provided by the city's insurance carrier. See section on Continuation of Group Insurance for information on continued coverage after certain status changes.

7.02 SOCIAL SECURITY. All employees of the city are covered by social security. The city also contributes to the social security system for each employee.

7.03 PENSION PLAN. The city is a member of the Texas Municipal Retirement System (T.M.R.S.), a nontraditional joint contributory, defined contribution plan. Membership in the retirement system is mandatory for all regular employees (defined by T.M.R.S. as an employee who works in excess of 1,000 hours per year). Both the employee and the city contribute to the employee's retirement account. Employees who leave city employment prior to retirement will, after filing a request with T.M.R.S., be refunded their portion of the retirement account plus interest earned on their portion. Retirement benefits are determined by a formula that involves life expectancy at the time of retirement, the amount in the employee's account, the future interest rate assumption as set by law, and which of the benefit payment plans the employee selects. Each available new employee receives a brochure about the city's specific retirement coverage and options under T.M.R.S. at the time of employment.

Additional information about retirement is contained in the chapter entitled Separations later in these policies.

7.04 WORKERS' COMPENSATION. All employees of the city are covered by the workers compensation insurance program, and the city pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in Chapter 10.04, On-the-job Injuries.

7.05 UNEMPLOYMENT INSURANCE. All Regular employees of the city are covered under the Texas Unemployment Compensation Insurance program, and the city pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

7.06 LEAVE TIME. Regular full-time and Regular part-time (at least 20 hours per week) city employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of this manual under the main heading Leave Time.

8.00 LEAVE TIME

8.01 DEFINITIONS.

Leave Time. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

Holiday Holidays are days designated by the city council when city offices are closed on what otherwise would be regular business days.

Unauthorized Absence. An unauthorized absence is one in which the employee is absent from regular duty without permission of his or her supervisor or department head. Employees are not paid for unauthorized absences and such absences are cause for disciplinary action.

8.02 APPROVAL OF LEAVE. All leave taken by city employees must be approved by the employee's department head or a supervisor designated by the department head. Copies of signed leave forms are sent to the payroll office for recording on the central leave records. Payroll records are verified against these leave records.

Department heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, department heads are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet sent to the payroll office for payroll purposes, as well as being recorded in the individual's department.

8.03 VACATION LEAVE. All regular full-time and regular part-time city employees who work at least 20 hours per week are eligible to accrue paid vacation leave. Employees are encouraged to take regular vacations at least annually.

A new employee is not eligible for vacation leave benefits during his or her new employee introductory period or during the first 6 months of the introductory period if the employee is a police officer.

After completion of the introductory period (or 6 months in the case of police officers), 40 hours of vacation (76 hours for police officers) are credited to the employee's account. Vacation leave will not be paid upon separation during the introductory period (or during the first 6 months in the case of police officers).

Regular, full-time, non-police employees earn vacation leave as follows:

<u>Length of Service</u>	<u>Vacation Leave</u>
Through the tenth year	80 hours per year
Eleven through fifteen years	120 hours per year
Sixteen or more years	160 hours per year

Regular, full-time police officers and police dispatchers earn vacation leave as follows:

Through the tenth year	160 hours per year
Eleven through fifteen years	200 hours per year
Sixteen or more years	240 hours per year

A regular employee whose work schedule involves 20 hours or more per week earns vacation leave in the proportion the employee's work time bears to the regular work schedule of a full-time employee in a similar position. The same restrictions apply during the introductory period.

Regular part-time employees who work less than 20 hours per week do not earn vacation leave. Temporary employees (full-time or part-time) do not earn vacation or other benefits.

After the introductory period (or the first 6 months for police officers), vacation leave is credited to the employee's account on the last day of each pay period.

Accumulation of Vacation Leave. Employees are encouraged to use their accrued vacation leave each year as it is earned. Unused vacation leave of no more than one half of the hours earned in the current year can be carried over to the next fiscal year. The maximum allowable accumulation of unused vacation leave is the number of hours which the employee would accumulate in 18 months at his or her current accrual rate. At the end of each fiscal year, if an employee has accumulated more than the maximum amount of vacation, the employee will be paid for the excess vacation up to a maximum of 40 hours.

Payment for Unused Vacation Leave Upon Termination. When an employee leaves the service of the city, he or she will be paid for accrued but unused vacation leave not to exceed the maximum amount he or she normally would accrue in one and one-half years of employment. The rate of pay will be determined by the salary rate in effect at the time of termination.

Scheduling Vacation Leave. Supervisors should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate the city's work schedule. Provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first serve" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with city requirements, the city's requirements are given first consideration. A vacation leave request in excess of ten working days must be submitted by the employee at least 30 days in advance. Failure to do so may result in the request being denied.

Use of Vacation Leave. An employee may take earned vacation leave in increments of one hour or more. Regular, full-time and part-time employees are charged with one hour of vacation

leave for each full hour they are absent on approved vacation leave. Use of vacation leave for less than full day(s) is recorded in increments of one hour or more. It is preferred that employees take vacation in full day increments.

8.04 COMPENSATORY LEAVE. See the section of this manual under the main heading Work Schedule and Time Reporting, specifically the section on "Overtime Compensation," for information about earning compensatory time and using compensatory leave credits.

8.05 SICK LEAVE. An employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren) or parent. For other relatives of the employee, this definition includes only those relatives who reside in the employee's household.

Accrual of Sick Leave. Regular full-time employees who work in excess of 20 hours per week accrue paid sick leave after the completion of six full months of employment. After the first pay period, 3.69 hours of sick leave is credited to an employee's account on the first day of each pay period.

A regular part-time employee who works more than 20 hours per week earns sick leave in the proportion the employee's work time bears to the regular work schedule of a full-time employee in similar position. The same restrictions apply during the introductory period.

Use of Sick Leave. Sick leave can be used by regular full time or eligible part time employees as it is accrued. If an employee is absent with permission because of illness during the first month of employment, the missed number of hours pay will be subtracted from the employee's regular pay before a paycheck is issued.

Notification Requirements. Approval of sick leave for non-emergency medical, dental or optical appointments must be secured at least one day in advance. In all other instances of use of sick leave, the employee must notify his or her supervisor or department head no later than the scheduled work time on the first day of absence, unless emergency conditions exist, and must request that approval of sick leave be granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be

out on sick leave unless other arrangements are made.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as their reason for leaving has been accomplished.

Regular, full-time and part-time employees are charged with one hour of sick leave for each full hour they are absent on approved sick leave.

Excessive use of sick leave without adequate justification is cause for disciplinary action, including dismissal.

Medical Statement. A department head or the city manager may request an employee to furnish, and the employee must provide upon request, written verification by a physician of medical disability precluding availability for duty at any time that sick leave benefits are requested.

Accumulation of Sick Leave. Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years.

On the first of December of each year, any accumulated sick leave greater than 480 hours (60 days) will be converted to pay at a rate of one regular hour for every three (3) sick leave hours.

Exhaustion of Sick Leave. An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

Illness While on Vacation Leave. When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such substitution must be supported by a medical certificate or other acceptable evidence, if requested.

Cancellation Upon Termination. Unused sick leave is canceled upon termination of employment without compensation to the employee.

Transferring Sick Leave Between Employees. Employees who have accumulated 30 or more days of sick leave may transfer such sick leave to another employee who, because of an extended or catastrophic illness or injury, has exhausted their sick leave, vacation or other paid leave. The amount of sick leave transferred may not exceed the following limits:

Accumulated Sick Leave
50+ days

Amount Transferable
5 days

40-49 days	3 days
30-39 days	2 days

The city manager shall designate when an employee is eligible to receive transferred sick leave. Once transferred, sick leave may not be re-credited to the employee who granted it.

8.06 EXTENDED LEAVE FOR ILLNESS OR TEMPORARY DISABILITY. This section applies to illness or temporary disabilities which are not related to bona fide, on-the-job, work-related injuries. Please see the sections of this manual under the main heading Health and Safety for information on absences resulting from those types of injuries.

Paid Leave. Upon written approval of the employee's supervisor or department head, an employee may use accrued sick leave and vacation leave for the purpose of paid absence from duty during an extended illness or temporary disability.

Unpaid Leave of Absence. An employee may be granted an unpaid leave of absence for the purpose of recovery from an extended illness or temporary disability only after exhaustion of all accrued sick and vacation leave and upon written approval of the city manager. During an unpaid leave of absence, an employee accrues no additional vacation leave or sick leave but retains previously accrued leave and benefit balances and seniority, subject to terms or provisions of benefits programs. Medical insurance can be continued if the employee pays the premiums (including the city's share) in full in a timely manner. (See the section of these policies on "Leave of Absence Without Pay" for additional information.)

Pregnancy - Pregnancy is treated in the same manner as any other extended illness or temporary disability.

Conditions. A department head or the city manager may require an employee requesting a paid or unpaid leave of absence for extended illness or temporary disability to provide a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties and the expected length of the recuperation period as well as a written statement from the employee concerning his or her intentions about returning to work at the city.

Notification Requirements. An employee on extended leave for illness must contact the appropriate city supervisor at least once each week to report on his or her condition. Failure to provide required medical status reports or to contact the office on the schedule required by the city is grounds for revoking the leave and for taking disciplinary action up to and including termination.

Maximum Length of Time: The length of time approved for this type of leave will depend upon the nature of the illness or disability and expected recuperation period, the employee's length of service with the city and past attendance record, the department's needs, and prospect for temporary replacement of the employee or reassignment of the employee's duties. In any case,

the leave of absence may not exceed six months.

8.07 FAMILY AND MEDICAL LEAVE. The Family and Medical Leave Act of 1993 (Act) provides for an employee, as defined by the Act, to request time off without pay for a maximum of twelve (12) weeks per twelve (12) month period. Additionally, the employee shall have job protection with no loss of accumulated service provided they return to work no later than the first working day following the twelfth (12th) week. Following are the qualifying events for requesting this leave:

1. Birth of an employee's child.
2. Adoption of a child or foster care of a child.
3. Circumstances requiring an employee to care for a child, spouse or parent with a serious health condition.
4. Illness of an employee due to a serious health condition.

To take leave time under the FMLA provisions, an employee must submit an FMLA Request Form (available from the Personnel Director). When possible, the request should be submitted thirty (30) days in advance of the leave. The immediate supervisor will then coordinate this leave request with the personnel department for appropriate approvals. Benefits do not accrue during any unpaid leave period. Coordination of vacation and sick leave is required. All accrued sick and vacation leave must be applied towards the leave taken pursuant to the Act. For more details regarding this benefit, please contact the Personnel department. (*See Notice to Employees Regarding the FMLA in the Appendix at the end of this chapter*)

8.08 MILITARY LEAVE. Regular employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time or efficiency rating, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one calendar year. Employees will continue to receive pay from the city. Requests for approval of military leave must have copies of the relevant military orders attached. Military leave in excess of 15 days will be charged to vacation leave or leave without pay.

Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their release from active duty.

8.09 CIVIL LEAVE. Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. When an employee has completed civil leave, he or she must report to the city for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

8.10 OTHER LEAVES OF ABSENCE WITHOUT PAY. Leave of absence without pay is an approved absence from duty in a non-pay status. Granting a leave of absence without pay is at the discretion of the city manager. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the city at the end of the approved period. Approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel file. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs. Medical insurance can be continued if the employee pays the premiums (including the city's portion) in full in a timely manner.

Revocation of Leave Without Pay. A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting such leave was misrepresented, or has ceased to exist.

Authorized Reasons for Leave Without Pay. A leave of absence without pay may be appropriate for the following reasons:

Military service (see also section on this type of leave);

Recovery from extended illness or temporary disability (see also section on this type of leave);

Educational purposes when successful completion will benefit the city;

Public service assignments;

Personnel exchange programs which emphasize intergovernmental relations; or

Any other reason which, in the judgment of the department head and the city manager, merits a leave of absence without pay.

Return to Work After Leave Without Pay. Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the

employee will be separated and paid accrued benefits. (See also section on Military Leave for specific provisions relating to leave of absence without pay for military service.)

8.11 EMERGENCY LEAVE. Up to five days per year of emergency leave with pay may be granted to regular employees by the city manager in the event of (1) a death in an employee's family, or (2) illness of a member of the employee's immediate family who requires the employee's personal care and attention if sick leave is not available or if the employee elects not to use it for this purpose. For this purpose, immediate family is defined as the employee's spouse, child(ren) or parent. For other relatives of the employee, this definition includes only those relatives who resides in the employee's household. The length of time granted for a specific emergency leave must be approved by the city manager and will depend on the circumstances and the terms of and reasons for the leave must be documented and filed in the employee's personnel file.

8.12 ADMINISTRATIVE LEAVE. The city manager may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

8.13 INJURY LEAVE. For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see the sections in this manual under the main heading Health and Safety.

8.14 USING LEAVE IN COMBINATION. When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if (1) the employee has accrued vacation leave available, and (2) the employee has not requested a temporary leave of absence without pay.

A regular employee who is requesting extended leave for illness or temporary disability has the option of choosing to use all or part of his or her accrued sick and vacation leave in any combination with the requested leave without pay, contingent upon the approval of the city manager.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the city manager, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the city and the employee.

8.15 ABANDONMENT OF POSITION. Unauthorized absence from work for a period of three consecutive working days will be considered by the city manager as a resignation. Unless the city manager determines otherwise, the resignation is not in good standing, and the employee is not eligible for reemployment.

APPENDIX

NOTICE TO EMPLOYEES REGARDING THE FAMILY AND MEDICAL LEAVE ACT

The City will comply with all applicable requirements of the Family and Medical Leave Act (FMLA).

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave.

Employee Eligibility: The FMLA defines eligible employees as employees who: (1) have worked for the City for at least 12 months; (2) have worked for the City for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of worksites that taken together have a total of 50 or more employees.

Leave Entitlement: Eligible employees may take leave for the following reasons: (1) to care for the employee's child upon birth or to care for a child upon the child's placement with the employee for adoption or foster care; (2) to care for a parent, spouse, or child with a serious health condition; or (3) when the employee is unable to work because of the employee's own serious health condition.

Serious health condition. According to the FMLA, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by a health care provider. For further information on what is considered continuing treatment, contact the Personnel Department. Spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave to care for a parent who has a serious health condition. However, each spouse may take up to 12 workweeks of leave to care for a child or spouse with a serious health condition.

Birth, adoption, or foster care of children. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care.

Intermittent or reduced work schedule leave. In certain circumstances, eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing their work schedule. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. If the FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

Notice and Certification: Employees who want to take FMLA leave ordinarily must provide the City at least 30 days notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the City's operations.

In addition, employees who need leave for their own or a family member's serious health care provider of the serious health condition. The City also may require a second or third opinion (at the City's expense), periodic recertifications of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper medical certification.

Benefits During FMLA Leave: Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working through out the leave. If applicable, arrangements will be made for employees to pay their share of health insurance premiums while on leave. If an employee chooses not to return to work from FMLA leave, the City may be entitled to recover premiums it paid to maintain health coverage during the leave.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child.

Job Restoration After FMLA Leave: The City will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment

terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent substantial and grievous economic injury to the City's operations. A key employee is an eligible salaried employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Other Provisions: The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Under an exception to the Fair Labor Standards Act in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees who are exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act, and records of leave may be kept for those employees, without affecting the employee's exempt status. This special exception to the salary basis requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

Further Information: For more information, employees may contact the personnel department.

9.00 HOLIDAYS

9.01 GENERAL POLICY. Paid holidays are established each year by the city council. The following normally are observed as paid holidays for regular employees who work at least 20 hours per week:

New Year's Day
Martin Luther King Day
Friday before Easter
Memorial Day
Independence Day
Labor Day
Thanksgiving Day and the Friday following Thanksgiving
Christmas Eve and Christmas Day

Temporary employees or employees who work less than 20 hours per week are not paid for holidays not worked.

Regular part-time employees who work at least 20 hours per week are paid for holidays based on the number of hours they would have worked if the holiday had been a regular workday. Temporary employees are not paid for holidays except for holiday hours actually worked.

The city manager may designate other holidays in accordance with directions from the city council. Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the city manager.

An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

9.02 WORK DURING HOLIDAYS. It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an "around-the-clock" operation. With the approval of the city manager, a department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday.

Nonexempt employees, excluding police officers and police dispatchers, who are required to work on a holiday will be compensated at twice their regular hourly rate for the holiday hours worked. This can be achieved by either:

1. Paying the employee at the straight time rate of pay for the holiday and granting him or her an alternate paid day off; or

2. Paying the employee at twice the straight time rate of pay for the holiday hours worked, provided there are adequate funds in the department's budget and the city manager has authorized overtime pay for the department when necessary.

Nonexempt employees, who are required to work on a holiday in addition to their regular 40-hour workweek (or the full number of working hours in their official work period) will be compensated using one of the following methods selected by the department head:

1. Paid at time and one-half for each overtime hour worked, and
2. Granted an alternate day off for the holiday, preferably within the same work period, but definitely within the month; or
3. If granting the alternate day off is not possible, paid at two and one-half times the regular hourly rate of pay for the overtime hours worked.

If a nonexempt employee is scheduled to work on a holiday as a regular workday, and he or she is scheduled for an alternate day off to observe the holiday, but the employee is sick on the holiday, he or she will be charged for sick leave for the number of hours that would have been worked that day. The employee will then be charged holiday time on the alternate holiday off. However, if an employee is scheduled to work on a holiday and receive premium pay for the hours worked rather than being given an alternate day off, and he or she is sick that day, the time will be charged to holiday time and will be paid at the regular straight-time rate of pay rather than at the premium rate.

9.03 HOLIDAYS FALLING ON NON-WORKDAYS. Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will be paid his or her regular salary amount for the pay period involved, and will receive either another day off in lieu of the holiday or an additional day's pay.

9.04 HOLIDAY DURING VACATION. If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

10.00 HEALTH AND SAFETY

10.01 SAFETY POLICY. It is the policy of the city to make every effort to provide healthful and safe working conditions for all of its employees. In order to achieve this end, it is the responsibility of each supervisor to provide each employee with a copy of the detailed safety policy of the City of Portland and the responsibility of the employee to become familiar with the safety policy. After the employee has read the safety policy, he will provide the city with a signed statement saying that he/she has read and does understand the safety policy. The statement will be included and become a permanent part of the employee's personnel record.

10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS. Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as the health and safety of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor within 24 hours. The supervisor is responsible for filing a written accident report immediately with the personnel department, who must notify the city manager, in accordance with the City's Safety Policy.

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

10.03 EMPLOYEE SUGGESTIONS. Employees shall report immediately to their immediate supervisors any conditions that in their judgement threaten the health and safety of employees or visitors.

Employees are encouraged to make suggestions to their supervisors for improvements that would make the city workplace safer or more healthful.

10.04 ON-THE-JOB INJURIES.

Workers Compensation - Generally. The city provides coverage for all employees under the Workers Compensation Act. If disabled and unable to work because of any injury suffered on the job, the employee shall receive weekly compensation as well as paid medical expenses as determined by the State Industrial Accident Board.

In the event of an occupational injury or illness (as defined by Workers Compensation Laws), a city employee is covered by Workers Compensation insurance instead of the city group hospitalization insurance which covers non-work related injuries and illnesses. Workers Compensation pays all medical expense and, under certain circumstances, disability pay.

Employee May Select Doctor: An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice.

Five-day Initial Period: Workers Compensation insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than five days. A regular employee is considered to be on injury leave beginning on the day he or she is injured on the job. During the five-day initial period, the employee continues to be in regular pay status.

All Workers' Compensation insurance claim forms must be submitted to the personnel department immediately for appropriate action to be taken.

Employee Must Select Leave Status: If an employee sustains a bonafide on-the-job, work-related injury which renders the employee unfit for performing the duties of the job, and if sick leave or vacation balances are available, the employee may elect after the five-day injury leave period has expired, to be placed on paid leave status. In this event the employee would continue to be paid and to accrue leave time until their leave time has all been used.

An employee receiving workers compensation payments who elects not to be placed on leave status does not accrue vacation or sick leave and is not entitled to receive either additional holiday pay or other holiday benefits or stability pay. These leave benefits are frozen after the fifth day of the injury.

In the event the employee makes no election regarding leave status, he or she will be placed on paid leave status if leave balances are available.

An employee is considered to be on workers compensation leave when he or she is receiving workers compensation payments and has either elected not to be placed on leave status or has exhausted accrued leave balances.

Termination of Workers Compensation: Workers compensation leave may be terminated at any time without prior notice. The city manager will terminate the workers compensation leave upon receipt of evidence that the employee, while able to return to work, has not done so.

Medical Insurance While on Leave: To continue medical insurance when the employee is on workers compensation leave and no longer receiving a regular city paycheck, the City shall pay the City's portion of the insurance premium and the employee shall pay the employee's portion of the insurance premium to the City for a period of up to sixty (60) days after the initial five-day injury leave period. After this sixty-day (60) period has ended, the employee must pay both the employee's portion and the City's portion of the insurance premium to the City. Under very unusual and unique circumstances, the city manager shall have the authority to extend this sixty-day period for an appropriate length of time. The City will only pay once for the sixty days of insurance per injury or type of injury and will not pay for any subsequent reoccurrences or re-injuries.

Illegitimate Injuries Excluded: Injuries caused by willful intent to harm self or another, intoxication, or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

Medical Status Reports Required: While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the doctor for consultation or treatment, he or she must provide a progress report to the appropriate city supervisor, who passes the report along to the department head, city secretary, and city manager. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the appropriate supervisor. In addition, the injured employee must contact his or her supervisor periodically to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the city is grounds for revoking the employee's leave and for taking disciplinary action.

Return to Work: A written statement from an appropriate physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the City 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 by the City. As determined by a department head, at the City's expense, an employee may be required to submit to examination by an independent physician.

Failure to return to work when directed will result in appropriate disciplinary action.

Light-duty Status: During the course of an occupational disability leave of absence, if an employee is released by his or her doctor for light duty, the employee's job or alternative job assignment(s) will be evaluated by the city to determine whether or not a position is available in which the city can use the employee's limited services for an interim period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until given a full release by a doctor and workers' compensation to return to his or her previous job.

Termination Because of Disability: Sixty-five (65) days after the injury, the employee may be separated, as described by the procedures in Chapter 13, Separations, for "Disability" if:

- (1) the employee has not obtained a full release from a doctor and workers' compensation, or the employee is not an otherwise qualified individual under the guidelines of the Americans with Disabilities Act, and

- (2) either no vacancy exists or no other suitable position is available and an effort has been made to place the employee in a suitable position under the guidelines of the Americans with Disabilities Act.

11.00 USE OF CITY PROPERTY

11.01 GENERAL POLICY. The city attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

11.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES. Employees who are assigned tools, equipment, vehicles, or any other city property by their departments are responsible for them and for their proper use and maintenance.

An employee who has damaged or destroyed a tool, piece of equipment or vehicle through misuse, neglect or negligence will be required to reimburse the city for repair or replacement of the item. Damage caused intentionally or by gross negligence is cause for disciplinary action.

City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the city. No personal or political use of any city property, materials, supplies, tools, equipment, or vehicles is permitted. If an employee is in doubt about a circumstance, he or she must check with his or her supervisor before proceeding. Violations of this policy may result in discharge and possible prosecution.

11.03 VALID DRIVER'S LICENSE. All operators of city vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and to keep their supervisors informed of any changes of status in their licenses. Department heads, supervisors, or the Risk Manager will conduct periodic checks of the driving records of all employees who operate city vehicles. Failure to maintain a safe driving record may be grounds for disciplinary action and/or dismissal. (See also Section 3.11)

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or dismissal.

11.04 VEHICLE INSURANCE. The city maintains up-to-date insurance coverage on all vehicles owned by the city. Employees who drive a personal vehicle on city business on a regular basis are required to provide the finance officer with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so may be grounds for disciplinary action and/or dismissal.

11.05 ACCIDENT REPORTING. Any employee operating city equipment or vehicles must report all fleet vehicular accidents and property damage or liability claims to his or her supervisor and to the police department immediately.

Each fleet accident, no matter how minor, must be reported to the police department so that an official accident report can be filed. Department heads must report fleet accidents to the Risk Manager within 24 hours. In accidents involving a police vehicle, a police supervisor shall conduct the investigation. Copies of all accident reports involving city vehicles shall be forwarded to the city manager as soon as possible after completion of the investigation. Failure to notify the police department immediately is grounds for disciplinary action.

12.00 DISCIPLINE

12.01 REASONS FOR DISCIPLINE. Disciplinary action may be taken against a regular employee for violation of these polices, misconduct and/or performance problems. Acts resulting in disciplinary action include but are not limited to, the following:

Insubordination;

Absence without leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;

Endangering the safety of the employee and/or other persons through negligent or willful acts;

Use of alcohol or illegal drugs or being under the influence of alcohol or an illegal drug while on duty or in a city vehicle;

Alcohol or drug abuse while on duty which may affect the performance or safety of the employee or other persons;

Unauthorized use or theft of public funds or property;

Violation of any of the requirements of these personnel policies or the violation of a rule or regulation established by a city department;

Conviction of a felony;

Conviction for official misconduct, oppression, tampering with governmental records or perjury;

Lending money to fellow employees for which interest is charged.

Falsification or forgery of documents, time sheets or records;

Unauthorized use of official information or unauthorized disclosure of confidential information;

Unauthorized or abusive use of official authority;

Sexual harassment by any city employee;

Incompetence or neglect of duty;

Disruptive behavior that impairs the performance of others; or

Any other behavior deemed inappropriate by management that results in a loss of confidence in the employment relationship.

12.02 PROGRESSIVE DISCIPLINE. The City endorses a practice of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. However, this policy does not modify the at-will status of employees, or in any way restrict the City's right to by-pass the progressive disciplinary procedures outlined below.

Oral warnings with records of each warning maintained by the appropriate department head;

Conference with appointed official or department head, employee, and supervisor, with a written summary of the conference to be prepared by the supervisor, with one copy to the employee and one copy to the employee's personnel file;

Written reprimands which the department head must in all cases cause to be transmitted through the city manager to the employee's personnel file;

Probation (not to exceed 90 days) during which time the employee's performance and behavior will be monitored very closely by the supervisor;

Reduction in pay without demotion;

Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances;

Demotion; and/or

Dismissal.

Except in the case of oral warnings, disciplinary action must be accompanied or preceded by oral or written notice to the employee involved. Notice includes a description of the violation or misconduct for the action and, except in the case of dismissal, states the likely consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action is included in the employee's personnel file.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see the Chapter 13, Separations.

In addition to the above policy covering progressive discipline, an offense may be so severe as to warrant immediate discharge without notice. Any supervisory recommendation for immediate discharge would require the approval of the department head and the city manager. As with other types of discipline or discharge, a written description of the violation or misconduct should be given to the employee, unless emergency conditions exist, and placed in the employee's personnel file. (See Chapter 13, Separations, for further information on an employee's rights.)

All employees are employed at-will and may be dismissed with or without cause at any time during their employment.

13.00 SEPARATIONS

13.01 TYPES OF SEPARATIONS. All separations of employees are designated as one of the following types:

Resignation;
Retirement;
Reduction in Force;
Dismissal; or
Death.

13.02 RESIGNATION. An employee who intends to resign must notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the department head and the city manager immediately.

An employee who resigns without sufficient notice is subject to having a written reprimand placed in his or her file documenting this violation of personnel policies, unless there is a valid reason approved by the city manager for not giving sufficient notice.

13.03 RETIREMENT. The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

See the sections of this manual under the main heading of Benefits for additional information on retirement.

13.04 REDUCTION IN FORCE. An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, (3) qualifications of the employee for remaining positions with the city, and (4) the employee's length of service with the city.

Employees who have been laid off may reapply to the city for other positions. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has completed the introductory period is dismissed as a result of a reduction in force, he or she will be given a minimum of two weeks' written notice and paid in full to the time of discharge, including accrued benefits.

13.05 DISMISSAL. At any time during the introductory period a new regular employee may be dismissed if, in the supervisor's, department head's, and city manager's opinions, the employee is either unable or unwilling to perform the duties; or if the employee's dependability does not merit continuance of city employment; or for other reasons as provided elsewhere in these policies.

Additionally, all employees are employed at-will and may be dismissed with or without cause at any time during their employment.

The city manager may delegate dismissal authority to the department head, but the city manager's signature is required on all personnel action forms involving dismissal.

See section on "Progressive Discipline" for policy regarding very serious offenses warranting immediate discharge for cause.

13.06 DISABILITY. When an employee becomes physically or mentally disabled not through a bona fide, on-the-job, work-related injury, the city manager will appoint a physician to examine the employee and make recommendations to the city regarding the employee's ability to continue to work. When the employee is determined by the physician to have a temporary disability, the city will attempt, to hold the employee's position open for him or her. In addition, the city will attempt to locate other positions for temporarily or permanently disabled employees whose disabilities prevent them from returning to their current positions but do not preclude their performing other types of work. In cases of disability where an employee is unable to return to work permanently and within a reasonable amount of time, that employee will be separated from employment with the city.

Voluntary separations based on reasons of disability must be substantiated by medical evidence if the disability may be a factor or condition of a retirement plan covering the employee.

(See sections of this manual under the main heading of Health and Safety for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.)

13.07 DEATH. If a city employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

13.08 CALCULATION OF SEPARATION PAY. Upon separation from city employment, a regular employee who has completed his or her introductory period will be paid for accrued and unused vacation leave up to the maximum allowable accumulation limit.

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

The total work time and allowable vacation (see section on "Vacation Leave" to determine allowable vacation) and compensatory leave time for nonexempt employees will be calculated as a total number of hours for which compensation is due. For most full-time employees, the regular hourly rate will be determined by dividing the employee's regular annual salary by 2,080 working hours per year. Part-time regular employees will be compensated on a proportionate basis based on actual hours worked and leave time accrued. Any amount paid for unused vacation will be based on the salary rate in effect for the employee at the time of termination.

For employees who are subject to the Fair Labor Standards Act, any overtime hours worked during the employee's final pay period, which have not been compensated through any of the time-off methods described under "Overtime Compensation" section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.

Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. Since the compensatory time was recorded at one and one-half times the number of hours worked, the payment for these hours is equivalent to time and one-half pay for the hours actually worked.

Unused sick leave will be canceled upon termination of employment, and the employee will not be compensated for it.

The employee will receive his or her final paycheck on the city's next regular payday or within six (6) days if the employee was terminated.

13.10 CONTINUATION OF GROUP INSURANCE. The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health and dental insurance, at the individual's full expense, under specified conditions, beyond the date on which it would otherwise terminate. An insurance certificate from the city's group insurance carrier is given each employee at the time of employment and explains these options under the city's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance certificates distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the city of any change in family status including separation, divorce, or a child becoming eligible or ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for city-supplemented group insurance, the city will provide an "Insurance Coverage Continuation Form" to be completed by the appropriate person(s). In order to qualify for continued coverage, specific time periods must be met, and full premiums must be paid in a

timely manner by the employee or the applicable spouse or child.

If the person's payment is not received by the 10th of the month, the city will notify the insurance carrier that the payment was not received. If this occurs, the city will neither pay the person's premium nor enter into payment arrangements for this coverage.

14.00 GRIEVANCES

14.01 POLICY. It is the policy of the city, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A grievance may be filed by a regular employee, except an employee who has been terminated, on one or more of the following grounds: improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; illegal discrimination based on race, religion, color, sex (including sexual harassment), age, handicap, or national origin; disciplinary action taken without cause; improper application of fringe benefits; or improper working conditions.

The city follows a systematic grievance procedure which ensures regular employees of due process in the city's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written responses regarding resolution of the grievance.

14.02 FINAL AUTHORITY. Grievances can be appealed through the immediate supervisor to the city manager, whose decision is final. Positions at the department head level may appeal the city manager's decision to the city council.

14.03 PROCEDURE. The following procedures are applicable to regular employees. Temporary employees or introductory employees do not have access to a grievance procedure.

Informal Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

Formal Grievances. Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within ten working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another city employee of his or her choosing provided that the employee chosen has not been an employee representative in any other grievance proceeding within the previous 12-month period.

After being presented with a written and signed grievance the supervisor will (1) consult with his or her supervisor and/or department head; (2) meet with the employee and such other persons as may be necessary to gather the facts; (3) attempt to resolve the grievance with the employee and,

if requested by the employee, with the employee's representative; and (4) communicate the decision to the employee in writing within 10 working days after receipt of the grievance, sending a copy of the proposed resolution to the offices of the city manager and department head. The department head must notify the city manager's office immediately upon learning that grievance has been filed.

An employee who receives no written resolution by the close of the 10th working day following the day the written grievance was presented, or is not satisfied with the proposed resolution, must within the next ten working days appeal in writing to the department head. The department head will (1) review the facts of the grievance; (2) meet with the grievant, grievant's supervisor, and such other persons as may be necessary; (3) attempt to resolve the grievance within five working days after receipt of the grievance; and (4) respond in writing to the employee by the close of the 10th working day following the day the written appeal was received, sending a copy to the city manager.

If the employee either receives no written resolution from the department head within ten working days from the date the appeal was filed, or the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the city manager within ten working days. The city manager will review the facts and the file, meet with the parties involved, and respond in writing to the employee within ten working days of the date the appeal was received in the city manager's office. The decision of the city manager is final.

Maximum Time Periods. At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within five working days in simple grievance matters.

Grievances Relating Sexual Harassment or Discrimination. If the employee's grievance is related to alleged sexual harassment or discrimination by the employee's immediate supervisor or department head on the basis of race, religion, sex, national origin, age, or handicap, then the initial written grievance may, at the employee's option, be submitted directly to the city manager. In such an instance, to allow adequate time for investigation by the city manager or the person he or she designates, the total cumulative time period which would have been allowed at the other steps in the grievance process will be the maximum time period before written resolution of the grievance is required to be received by the employee.

Documentation. Copies of all documentation relating to the grievance will be forwarded to the city manager's office immediately upon conclusion of each step in the grievance process to be placed in the employee's personnel file.

Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest

resolution.

15.00 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS

15.01 JOB DESCRIPTIONS. The city manager establishes and periodically reviews an official job (class) description for each position in the city.

15.02 DISTRIBUTION. The job description for each employee's position will be (1) given to the employee, (2) reviewed by the employee, and (3) placed in the employee's personnel file along with a certification that the employee has reviewed it. In addition, each employee is given a copy of the job description to keep.

15.03 REQUESTS FOR CLARIFICATION. In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position which he or she occupies.

15.04 EMPLOYEE PERFORMANCE EVALUATIONS. Supervisory personnel will conduct a written performance evaluation of and an evaluation interview with each city employee at least annually. Performance evaluation records are maintained in each employee's personnel file.

16.00 PERSONNEL FILES

16.01 GENERAL. Personnel files are maintained in a central location as designated by the city manager.

Information in an employee's personnel file is public information and 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 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.

Each employee may choose whether the city discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information. Employees may change their elections for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the personnel department's office.

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. The employee may request copies of items or materials in his or her personnel file but may not remove anything from the file.

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

16.02 PERSONNEL ACTION FORM. The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

Employment Category,
Position Title and Classification,
Pay Group and Rate, and
Other Actions Affecting the Employee's Status.

The Personnel Action Form is completed on the employee's first day of work and again when there is any change in his or her status which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee.

16.03 CONTENTS OF PERSONNEL FILES. An employee's official personnel file contains:

An employment record;

A copy of the employee's application for employment/resume;

A copy of the employment offer letter;

I-9 form;

A signed copy of the employee's acknowledgment of having reviewed a copy of the Personnel Policies Manual and the job (class) description for the position he or she currently occupies;

A signed statement saying that the employee has read and does understand the detailed safety policy.

Employee's job descriptions);

Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;

Personnel Action Forms;

Records of any citations for excellence, awards for good performance, or job-related training/education;

Records of disciplinary action(s);

Performance evaluations;

Copies of any grievances and related materials;

Any other pertinent information having a bearing on the employee's status; and

Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

16.04 LEAVE RECORDS. Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the payroll office. Leave records are updated at the end of each pay period. Leave balances are shown on the official record to reflect any remaining

leave to which an employee is entitled. It is the responsibility of each department head to provide this information to the payroll office.

17.00 PROFESSIONAL DEVELOPMENT

17.01 GENERAL POLICY. The city encourages its regular full-time and part-time (at least 20 hours per week) employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance their performance of their work with the city.

17.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES. When the city requires an employee to attend any educational or training course, conference, or seminar, the city will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging. When appropriate, the city may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See additional information in the sections of this manual under the main heading Travel and Subsistence.

17.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS. Subject to the prior approval of the city manager, an employee who joins a professional association related to his or her work at the city may be reimbursed for dues and necessary travel expense when meetings are judged to offer special training or information of value to the employee in his or her work at the city. Likewise, subject to the city manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

18.00 TRAVEL AND SUBSISTENCE

18.01 GENERAL POLICY. The policy of the city is that employees are to be fully reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of city business, including business-related travel. Except in cases involving in-city use of a personal vehicle, employees must fill out "Request for Travel" forms before travel which involves reimbursable expenses. The request should include an estimate of costs to be incurred. At the discretion of the city manager, cash advances may be made. Regardless of whether a cash advance has been made or a request submitted for reimbursement of expenses, all such travel expense is subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. In some cases, the city may prepay such expenses as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.

18.02 IN-CITY TRAVEL. All necessary travel by city employees for authorized conduct of city business within the city is authorized. Meals will be reimbursed subject to approval by the city manager. Reimbursement for the use of private automobiles by employees is made monthly upon submission of required report and request forms. (See section on "Personal Vehicle" for mileage rates.)

18.03 OUT-OF-CITY TRAVEL. Out-of-city travel means travel beyond a 50-mile radius of the city. Out-of-city travel by city employees is permissible provided that it is authorized in advance by the department head and does not exceed budgetary limitations. Advances or reimbursement for out-of-city travel are based upon the most economical conveyance that is reasonably available. When private automobiles are used for out-of-city travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class air fare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than first-class air accommodations are not reasonably available.

In cases where a rental car is used, employees must choose the optional insurance coverage; the city will pay for the insurance cost.

18.04 SUBSISTENCE EXPENSES. Employees engaged in necessary and authorized travel in the conduct of city business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the city. Reimbursable subsistence expenses will generally be for food (limited to \$30.00 per diem), registration, lodging, official business telephone calls, parking, tolls, taxi, and reasonable gratuities.

18.05 PERSONAL VEHICLE. Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official city business, reimbursement will be at the current maximum non-taxable rate allowed by the Internal Revenue Service at the time the mileage is incurred. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and the city offices is not eligible for reimbursement.

18.06 EXPENSE REPORT. As soon as an employee returns from a trip, or at least within one week from the date the travel was concluded, he or she must complete an expense report form documenting any actual expenses incurred on the trip which were not prepaid directly by the city to the entity involved. The city will issue a reimbursement check to the employee for allowable out-of-pocket expenses. The expense report must show the amount of any cash advance given the employee. All reimbursements must be approved by the department head and the city manager.

18.07 EXCEPTIONS. Employees who receive monthly automobile allowances are not eligible for mileage reimbursements except for official travel beyond a 20-mile radius of the city. Employees who travel in a city-owned vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses paid by the employee related to the safe operation of the vehicle.

When two or more employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

Conference registration checks will be made payable only to the organization sponsoring the conference.

Travel and/or moving expense involving applicants, new employees, or transferred employees may be reimbursed by individual action of the appropriate department head, with approval from the city manager.

18.08 PROHIBITED EXPENDITURES. Costs of traffic citations or illegal activities are not allowable for reimbursement.

19.00 DRUGS AND ALCOHOL

19.01 STATEMENT OF PURPOSE:

The City of Portland has a duty to maintain safe, healthful and efficient working conditions for its employees. Being under the influence of a drug or alcohol on the job may pose serious health and safety risks not only to the user, and to those who work with the user, but also to the citizens we serve. The illegal or improper possession, consumption, exchange, delivery, distribution, or sale of drugs or alcohol may pose unacceptable risks for safe, healthful, and efficient operation.

The City of Portland recognizes its ability to provide a safe and high level of service to our citizens is dependent upon the physical and psychological health of its employees. Accordingly, it is the obligation and intent of the City to maintain a safe working environment to protect City property, equipment, and operations, and to provide for the welfare of its citizens and visitors.

With these basic objectives in mind, the City has established a drug and alcohol testing program for all employees.

19.02 DEFINITIONS:

- A. "Drug" means any controlled substance, inhalant or other perception-altering substance.
- B. "Illegal drug" means any controlled substance, inhalant, or other perception-altering substance, the possession and/or use of which is prohibited by state or federal law.
- C. "Alcohol" means any beverage, mixture, or preparation containing ethyl alcohol (ethanol).
- D. "Urinalysis test" means screening by the City for drugs or drug metabolites present in a urine specimen provided by an applicant or employee.
- E. "Alcohol test" means screening by the City or a laboratory for the presence of alcohol through a blood or breathalyzer test.
- F. "Positive test result" means having a reportable level of a drug, drug metabolite, or alcohol in the body as determined by a urinalysis test or alcohol test and reviewed by the Medical Review Officer. For purposes of this policy, the reportable levels for various drugs and alcohol for which testing is performed is a matter determined solely by the city manager in consultation with the Medical Review Officer.
- G. "Safety-sensitive position" means any position of employment with the City of Portland which, according to the applicable job description or by practice, includes the

performance of a duty in which the direct or indirect effects of drug or alcohol use by employees could impose a discernible safety or health risk to the public, the environment, any individual (including the employee) or group of individuals, and includes the supervision or management of "safety-sensitive" is a matter determined within the sole discretion of the city manager.

- H. "Reasonable cause" is a belief that would be held by an ordinary and prudent person drawn from specific, objective, and articulatable facts and reasonable inferences drawn from those facts. Such facts and inferences may be based upon, among other things, drug use or the physical symptoms or manifestations of having consumed any drugs; abnormal conduct or erratic behavior or a significant deterioration of work performance; reported drug use provided by a reliable and credible source which has been independently corroborated; information that the employee has caused or contributed to an accident and/or job related injury while at work.
- I. Medical Review Officer (MRO) is a medical doctor who contracts with the City to provide independent medical oversight of the City's drug testing program. The Medical Review Officer is responsible for reviewing positive test results for accuracy and applicability, consulting with the city manager on testing issues, and insuring the testing program is conducted accurately.

19.03 PROHIBITIONS:

- A. Any employee engaging, on or off the job, in the unlawful use, possession, consumption, exchange, delivery, distribution, or sale of any illegal drug or any prescription drug not properly prescribed to that employee will be terminated.
- B. Any employee who undergoes a urinalysis test or alcohol test which produces a positive test result for alcohol, any illegal drug, or any prescription drug not properly prescribed to that employee will be terminated.
- C. Any employee engaging in the use, possession or consumption of any alcohol while on duty, on City property, in City vehicles, or in personal vehicles being used for City purposes, will be subject to discipline up to and including termination.
- D. Any employee engaging in the unlawful use, possession, exchange, delivery, distribution, or sale of any paraphernalia associated with the use of an illegal drug will be terminated.
- E. Any employee who refuses to consent or submit to a urinalysis test or alcohol test will be terminated.

- F. Any employee who fails to fully cooperate with the administration of any aspect of this policy or the testing program will be subject to discipline up to and including termination.
- G. Any employee engaging in off-the-job use of any alcohol which affects that employee's ability to perform his or her duties safely and efficiently will be subject to discipline, up to and including termination. This policy does not prohibit off-the-job use of alcohol by employees when that use does not adversely affect the employee's ability to perform his or her duties safely and efficiently.
- H. Any employee engaging in public conduct at any time involving alcohol which would bring discredit upon the City is subject to discipline up to and including termination.

19.04 TESTING:

- A. Post-offer, pre-employment testing.

Any applicant selected by the City for employment in a safety-sensitive position must first submit to a urinalysis test. Any applicant who refuses to consent or submit to a urinalysis test will not be eligible for hire. Any applicant who produces a positive test result on a urinalysis test will not be eligible for hire.

- B. Reasonable cause testing.

Whenever a department head, or a supervisor when the department head is not available, has reasonable cause to believe that an employee has violated the prohibitions of this policy with respect to drugs or alcohol, the department head or supervisor may require the employee to immediately submit to urinalysis and/or alcohol testing. Arrangements shall be made for transporting the employee to be tested to and from the sample collection site.

- C. Post-accident testing.

Any employee who causes, contributes to, or is involved in an on-the-job accident or injury is subject to urinalysis and/or alcohol testing. Post-accident testing is appropriate whenever there is reason to believe that an employee while on the job may have contributed to an injury to himself or herself, another employee or another person, or who may have contributed to damage to City property or the property of another entity or individual. Any supervisor who believes that post-accident testing is appropriate following an incident should immediately report that recommendation to their department head. After consulting with that supervisor and others as necessary, the department head will determine whether the employee should be subject to post-accident testing. Arrangements shall be made for transporting the employee to be tested to and from the

sample collection site.

D. Random Testing.

Any employee holding a safety-sensitive position is subject to random testing at any time without prior notice. The random selection shall be based on a predetermined formula adopted by the city manager. Actual selections pursuant to that formula will be made by computer by an objective, third-party contractor selected by the city manager. The formula for random selection is a matter within the sole discretion of the city manager.

19.06 ACKNOWLEDGMENT OF COMPLIANCE WITH THE POLICY

Compliance with the City of Portland's, Drug and Alcohol Policy is a condition of employment for all employees hired prior to and after the effective date of this policy. Current employees will be required to sign an acknowledgment of understanding and consent which will become part of each employee's personnel file. All applicants will be required to sign written consents before being subject to sample collection for pre-employment testing.

19.07 TESTING REQUIREMENTS:

Drug and alcohol testing will be conducted using a laboratory approved by the city manager.

19.08 CONFIDENTIALITY:

Information relating to drug or alcohol testing results, selection for drug or alcohol testing, and discipline or termination for any violation of this policy shall be kept strictly confidential and shared only with department heads and supervisors who have a work-related need to know. Any employee or supervisor disclosing such information to any other city employee or supervisor, or other person, in violation of this section shall be subject to discipline up to and including termination.

19.09 RECORDS PROCEDURES:

A. Release of Information

Requests for employment verification or references for an individual terminated under this policy shall be forwarded to the city personnel director for response. For Texas Employment Commission hearings on granting unemployment insurance, the City will cite a rule violation as the reason for termination and will supply a copy of the letter of termination which states specific reasons.

B. Reporting Convictions to Federal Agency

Any employee who is convicted under a criminal drug statute for a violation occurring in the workplace must notify the city manager no later than five (5) days after the conviction. In compliance with the Drug Free Workplace Act, the city manager will notify the appropriate federal agency within ten (10) days after receiving notice from the employee of the conviction or otherwise receiving actual notice of such conviction.

APPENDIX 1

City of Portland
Drug and Alcohol Policy

Acknowledgment Form

I have received a copy of the City of Portland's Police Department Drug and Alcohol Policy. I understand that compliance with it is a condition of employment.

I have carefully heard and/or read this policy and understand its content. I agree to follow this policy. I understand failure to do so will result in my being in violation of this policy and will subject me to disciplinary action up to and including termination on the first offense.

I understand that these policies may be amended and changed at any time by the City and that such changes and amendments will apply to my job as a condition of employment.

I understand that this policy will become effective on _____.

Date

Employee's Signature

Employee's Social Security Number

Employee's Name (Printed)

Witness

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