Personnel Policy and Procedure Manual

For the City of Breckenridge, Texas

Updated and Effective January 2013

Adopted by Resolution No. 13-5

NOTICE TO EMPLOYEES:

This Personnel Policy and Procedure Manual ("the manual") does not supersede any state or federal laws. **This manual is not a contract,** nor does it guarantee continued employment between the City of Breckenridge ("the City") and any of its employees. The policies contained within this Manual are intended as guidelines only, and the City reserves the right to make changes to this manual and its policies at any time.

Employees of the City are employed on an "at-will" basis, unless there is a specific written contract between the City and employee. These policies do not alter any employee's employment-at-will status nor do these policies create a property interest in City employment. Nothing contained in this manual shall be construed to limit the City's right to terminate any employee for any reason or no reason and without cause.

Each City employee will receive a copy of this manual and any additional departmental policies or standard operating procedures. City employees are required to read, sign and then return the manual's signature page to the Personnel Department.

PERSONNEL POLICY AND PROCEDURE STATEMENTS

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Sign and return Copy 1 to Human Resources within three (3) business days

LIST OF ATTACHMENTS

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2) CITY OF BRECKENRIDGE COMPENSATION PLAN
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CHAPTER 1
INTRODUCTION

The City Government of Breckenridge, Texas is administered by five elected officials and an appointed City Manager, as well as City staff.

About This Manual

The City of Breckenridge's Personnel Policy and Procedure Manual is a source of reference for supervisors and employees of the City of Breckenridge. It is a series of comprehensive policies and procedures designed to provide a foundation for consistent and equitable human resources administration throughout the City. The City expects a high level of commitment from its employees. In return, the City provides an environment in which employees can achieve both their personal and professional goals.

Scope of Manual

The City's policies and procedures contained within this manual apply to all employees, except where superseded by the Fire Department and/or Police Department Policies and Procedures Manuals. Elected officials, the City Attorney, members of appointed boards and commissions, persons employed under contract to supply professional and technical services, volunteer firefighters, reserve police officers, and personnel appointed to serve without pay shall not be considered City employees for purposes of this manual and these policies, except as provided under civil rights and Public Information Act laws.

It may be necessary for other individual departments to establish rules and procedures to accomplish departmental responsibilities. All such departmental rules and policies may be more restrictive, but not less restrictive than the policies in this manual and must be approved by the City Manager or designee. An employee who violates a policy or procedure in this manual or an individual department's rule, policy or procedure is subject to disciplinary action, up to and including termination.

The term "supervisor," as used throughout this manual, refers to any employee, regardless of his or her managerial level, who is directly responsible for the work of other employees, including department heads.

Modifications to Manual

No employee manual can anticipate every circumstance or question about policy. As the City continues to grow and as the need arises, the City reserves the right to interpret, revise, supplement, or rescind and revoke, any or all of the policies, procedures and

statements contained in this manual from time to time as it deems appropriate and without prior notice, in its sole discretion. Any modification to these policies must be submitted in writing, approved by the City Manager or designee and approved by the City Commission. For additional guidance and clarification in dealing with employment issues, contact the Human Resources Department.

Dissemination

All City employees shall be informed of the existence of this manual and these policies and all related administrative directives. Each department shall keep at least one copy available for reference by its employees. A copy of this manual and these policies also shall be provided to all City employees. Revisions and amendments will be distributed to each employee, posted on departmental bulletin boards, and/or City website.

Division of Responsibility

With the exception of matters reserved by the City Commission, the general and final authority for personnel management rests with the City Manager or designee. The City Manager or designee shall advise management in all areas of personnel administration. Other management personnel are responsible for assuring adherence to the provisions of this manual, and for cooperating with the City Manager on related matters. All City employees are charged with the responsibility of being thoroughly familiar with all provisions of these Personnel Policies and Procedures.

CHAPTER 2
EMPLOYMENT LAW COMPLIANCE

Policy # 200 Employment At-Will

It is the policy of the City that all employees who do not have a written employment contract with the City are employed at the will of the City for an indefinite period. The employment relationship between the City and an individual is by mutual consent. Employment with the City is considered to be at-will so that either party may terminate the relationship at any time and for any lawful reason, or no reason.

Policy # 201 Equal Employment Opportunity

It is the policy of the City to provide equal opportunity employment to all employees and applicants for employment. The City believes a strong commitment to equal employment opportunity is more than a legal and moral obligation - it is also sound business practice to realize the potential of every individual. Employment practices will not be influenced or affected by an applicant's or employee's race, color, creed, religion, sex, national origin, age, disability, genetic information, military service, or any characteristic protected by law.

This policy governs all aspects of employment, including recruitment, selection, job assignment, promotion, compensation, counseling, discipline, termination, access to benefits and training and any other aspect of employment or personnel management involving political or religious opinions or affiliations. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or an imminent safety risk.

Employees with questions and concerns about unlawful discrimination in the workplace are strongly encouraged to bring these issues to the attention of their immediate supervisor, department head or the Human Resources Department without fear of reprisal. Retaliation, intimidation, coercion or harassment against any applicant or employee based on raising a concern or grievance under this policy and/or under related laws is prohibited.

Derogatory language or conduct against or about any person's age, race, gender, color, national origin, religion, genetic information or disability is prohibited. Anyone found to be engaging in any type of unlawful discrimination will be subject to corrective action, up to and including termination of employment.

Under the Genetic Information Nondiscrimination Act ("GINA"), requesting, requiring, or intentionally seeking out information about an employee's or applicant's family health

history, results of genetic testing on the employee or his/her family or fetus or embryo, or other sources of genetic information is prohibited. An exception is when the City requests health information about a family member for verification of family leave to care for the individual. Requests for medical certifications or other relevant health information from an employee's physician should be accompanied by the proper warning that the health care provider not provide the City with any genetic information.

Policy # 202 New Hire Reporting

The City complies with the Personal Responsibility and Work Opportunity Reconciliation Act designed to benefit children and families by assisting the State in enforcing child support orders.

Policy # 203 Legal Postings

It is the policy of the City of Breckenridge to comply with all applicable local, state, and federal laws requiring the posting of information. All legally required posters, bulletins, or other material must be prominently displayed in locations accessible to applicants and employees.

Policy # 204 Texas Public Information Act

The City responds to requests for public records according to Texas law. Public records include any information that is collected, assembled or maintained by, or for a governmental entity, with certain statutory exceptions. All requests for public information must be in writing and shall be directed or forwarded to the City Secretary's office. The City Secretary's office is responsible for the preparation of all responses in accordance with the Texas Public Information Act.

Policy # 205 Records Management and Retention

The business records of the City of Breckenridge must be preserved and maintained in accordance with local, state, and federal regulation. The City has adopted by ordinance a Records Management Program and has the City Secretary as the (RMO) for all other City records. The City's business records include essentially all records produced in an employee's or official's job duties, whether paper or electronic. A record may be as obvious as a memorandum, an email, or a contract, or something not as obvious, such as a computerized desk calendar, an appointment book, or an expense record.

The purpose of this policy is to ensure that necessary records and documents are preserved and to ensure that records that are no longer needed or of no value are discarded at the appropriate time. This policy is also to aid employees in understanding

their legal obligations in retaining electronic documents. Questions about this policy should be referred to the RMO.

The RMO is in charge of the administration of this Policy and maintains the listing and schedule for retention of each type of record. The RMO is also responsible for the destruction of records following the retention period. A destruction log must be maintained. Records must be destroyed by shredding or other means to ensure that all sensitive or confidential material can no longer be read or interpreted.

Email or other electronic documents that need to be saved should be either printed and kept in the appropriate file or downloaded and kept electronically in the appropriate file. The retention period for emails depends on the subject matter of the email, as covered in the Record Retention Schedule.

To the extent that the City has any employee medical records, those records must be retained in a file separate from other documents. Files containing medical records must also be stored in a secure location.

Suspension of Record Disposal in the Event of Potential Litigation or Claims

If an employee believes, or if the City informs the employee, that City records are relevant to litigation or potential litigation (i.e., a dispute that could result in litigation), then those records must be preserved until notification that those records are no longer needed. This policy applies to all records, regardless of format, whether they be paper, electronic, or microform (e.g., CD-ROM).

Policy # 206 Open Government

The City complies with all laws related to open government. The principle of Open Government is inherent in the American form of representative democracy. Employees who work for governmental entities work with the consent of the governed, and that consent is meaningless without widespread access to government information and the decision-making process as required by law.

Policy # 207 Whistleblower Act Issues

The Texas Whistleblower Act protects public employees who report violations of law by their governmental employers or another public employee. For a City employee to be protected by the Whistleblower Act, the employee must (1) report a violation of law; (2) in good faith; (3) to an appropriate law enforcement authority. If, as a result, the employee is suspended, terminated or suffers other adverse employment action as a result of making the report, such retaliation violates Texas law. If a City employee believes that he/she has suffered an adverse employment action as a result of making a good faith report of a violation of a law, the employee should immediately notify his/her supervisor, department head or Human Resources Department to discuss

his/her concerns. It is the City's policy that no City employee suffers an adverse employment action for a good faith reporting of the violation of a law.

Policy # 208 Diversity in the Workplace

The City is committed to the principle of diversity and recognizes that both the workforce and the customer base include people from many different backgrounds. Diversity is not required by any law. Diversity is an approach to making business decisions that value individual differences and attempts to include the distinct opinions that result because of the individual's personal characteristics, such as race, gender, religion, national origin, creed, ethnicity, age, financial background, and individual experiences.

Policy # 209 Immigration Law Compliance

The City of Breckenridge is committed to employing only United States citizens and immigrants authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship and national origin. The law prohibits the City from hiring individuals who are not legally eligible to work in the United States. Accordingly, all employers are required to verify, within three business days after hire, that every new employee is either a U.S. citizen or authorized to be employed in the United States.

Policy # 210 Disability Accommodations

The City is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Reasonable accommodation in completing the application process is available upon request. Pre-hire inquiries are made only regarding an applicant's ability to perform the duties of the position, and not whether the applicant is disabled. Reasonable accommodation that does not impose an undue hardship on the City and does not create an imminent or unreasonable safety risk for the employee or others is available to all qualified disabled employees. The City is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. An accommodation imposes an "undue hardship" on an employer if it involves significant difficulty or expense; is unduly extensive, substantial, or disruptive; or would fundamentally alter the nature or operation of the City or the employee's position.

CHAPTER 3
STANDARDS OF CONDUCT

Policy # 300 Code of Business Conduct and Ethics

The City of Breckenridge has adopted the following Code of Business Conduct and Ethics governing both officials and employees. All employees are expected to comply with the provisions of the code.

All employees have an obligation to conduct business within guidelines that avoid actual or potential conflicts of interest, and to avoid situations that might make it appear that their judgment on behalf of the City would be compromised. Additionally, the City expects the same high standards from those with which it does business. This policy establishes only the framework within which City employees are expected to adhere to in their dealings with vendors, subcontractors, service providers, citizens, regulators, and each other.

Conflicts of Interest

An actual or potential conflict of interest, or the perception or appearance of a conflict of interest, occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee, a relative, or other person living in the same household, as a result of the City's business activities. A relative is defined as any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Day-to-day business activities should not result in unusual or unreasonable gains, financial or otherwise, for outside entities, vendors, contractors, the City, or any employee. Such gains refer to product bonuses, special fringe benefits, unusual price discounts, and other inducements designed to benefit any party to the business activities. Personal gain, or the potential for gain, may result not only in cases where an employee or relative has significant ownership in a corporation, business association, partnership, firm and/or other business entity with which the City does business, but also when an employee or relative receives any compensation, substantial gift, favor, service, trip, or other special consideration as a result of any transactions or business activities involving the City.

A City employee shall not accept or receive any gifts valued over $25.00, lavish entertainment, or free travel from any source having a current or desired business relationship with the City. A City employee shall not accept or receive any reward, gift or other form of remuneration, apart from his or her regular City compensation, from any source for the performance of his or her City duties. If a City employee or facility receives a gift that cannot be easily returned, the gift should be reported immediately to the City

Manager or the Human Resources Department for a determination on disposition. Food items that are from a safe source and flowers are normally shared with other staff in common areas, such as during a holiday celebration.

Business with Others

The City will not do business with vendors who intentionally and continually violate laws such as environmental, safety, and/or anti-corruption laws; nor will the City use a third party to perform an act prohibited by law.

Purchasing decisions are to be based on product or service suitability, price, delivery, and quality. Purchasing, Consulting Services, and Service Agreements must be documented, and must clearly identify the services and/or products to be provided, the basis for earning payment and the applicable rate or fee which must be reasonable in relation to the work being done.

Confidentiality

The materials, products, designs, plans, ideas, documents, personnel information, and any data of the City are the property of the City and should never be given to an outside corporation, business association, firm and/or other business entity or an individual, except through normal channels, with appropriate prior authorization and as required by law. Any improper transfer of any type of material or disclosure of any form of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable and unethical conduct. Further, any use of inside information for personal gain or profit constitutes unacceptable and unethical conduct. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment, even if he or she does not actually benefit from the disclosed or misused information.

An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established office procedures and consistent with the Texas Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and with the approval of the applicable department head. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of his or her work. Further, an employee shall not use information gained from any City information system for anything other than official City business.

Policy # 301 Workplace Behavior and Standards of Conduct

It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all

employees. It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his or her work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives. Conduct that interferes with operations, discredits the City, or is in any way offensive to those we serve and/or coworkers will not be tolerated and will be subject to disciplinary action, up to and including termination of employment.

Of course, no policy or manual can realistically list all possible behaviors that would be viewed as unacceptable, and City employees are required to use common sense in their conduct, behave at all times in an honorable, safety-conscious and business-like manner, and to treat their coworkers, supervisors, and those we serve with respect.

Some employee behavior or work performance will result in immediate termination. Other problems are more appropriately handled by warnings, counseling, additional training, or written reprimands, which will lead to termination if improvement is not shown.

The following types of conduct are unacceptable and are examples of behavior that may lead to disciplinary action in the form of a documented oral reprimand, written reprimand, suspension, demotion or termination, depending upon the facts and circumstances of each case. **The City reserves the right to start at any point in the disciplinary process, depending on the severity or frequency of the concern.** The examples given below are typical, but not all-inclusive:

A. **Unsatisfactory attendance** is exemplified by, but is not limited to, the following violations:
   1. Unexcused absence or tardiness;
   2. Failure to give notice of an absence or tardiness to the supervisor or department head no later than one hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy;
   3. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or
   4. Abuse of leave, such that the employee's absence from the workplace renders him or her unable to perform the essential functions of the job at a satisfactory level, except as covered by the Family and Medical Leave Act.

B. **Frequent claiming of sick leave** may constitute grounds for the assumption of the department head that the physical condition of an employee is below the standard required for the employee to perform the essential functions of the job.

C. **Job Abandonment** occurs when an employee without authorization is absent from the job or refuses a legitimate order to report to work, for

three consecutive workdays. Any employee absent without approved leave shall be on unpaid leave during such time. If job abandonment is found, the employee's termination date will be the last day employee was at work or on authorized leave for purposes of benefits eligibility. The employee shall be considered to have resigned and may not receive pay for any accumulated benefits, except as otherwise required by law.

D. **Inability to come to work** occurs when an employee is absent due to an extended illness or injury after all eligible leave has been exhausted, except when the employee's absence is covered by the Family and Medical Leave Act.

E. **Inability or unwillingness to perform assigned work satisfactorily** is exemplified by, but is not limited to, the following violations:
   1. Failure to follow written or verbal instructions;
   2. Arguing over assignments or instructions; or
   3. Other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient and competent manner.

F. **Indifference toward work** is exemplified by, but is not limited to, the following violations:
   1. Inattention, inefficiency, loafing, sleeping, carelessness or negligence;
   2. Reading or viewing unauthorized material, playing games, accessing unauthorized Internet sites, unauthorized e-mail usage, social networking, blogging or otherwise engaging in entertainment while on the job and/or in view of the public;
   3. Failure to remain at work and on assigned tasks, leaving work without permission or taking excessive or overly long breaks/meals.;
   4. Performance of personal business;
   5. Interference with the work of others; or
   6. Discourteous or irresponsible treatment of the public or other employees.

G. **Sabotage** is exemplified by, but is not limited to, the following violations:
   1. Deliberate damage to or defacement of City equipment or property;
   2. Unauthorized alteration, removal, destruction or disclosure of City records;
   3. Advocacy of or participation in unlawful trespass or seizure of City property;

4. Encouraging or engaging in slowdowns, sit-ins, strikes or other concerted actions or efforts to limit or restrict employees from working;
5. Encouraging City employees to disobey provisions of these rules and regulations, City ordinances, City Resolutions or other laws;
6. Interference with the public use of or access to City services, properties or buildings; or
7. Threats to commit any act of sabotage as defined in this subparagraph.

H. **Safety violations** are exemplified by, but are not limited to, the following violations:
1. Failure to follow City or departmental safety rules and regulations;
2. Failure to use required safety apparel;
3. Removal or circumvention of a safety device;
4. Lifting in a manner that may cause injury;
5. Operations of a vehicle or other equipment in an unsafe, negligent or careless manner;
6. Smoking in a prohibited area;
7. Endangering one's own safety or that of others;
8. Failure to report an on-the-job injury, vehicle accident or unsafe working condition;
9. Failure of a supervisor and/or department head to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
10. Failure to maintain a driving record acceptable to the City, if driving is required by the job.

I. **Dishonesty** is exemplified by, but is not limited to, the following violations:
1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
2. Cheating, forging or willful falsification of official City reports, City records, and/or City time slips and time records;
3. False reporting of sick leave from work;
4. Any other falsifying action detrimental to the City, City employees or others; or
5. False swearing or false testimony, lying during an investigation, or other dishonesty in the course of employment.

J. **Theft**, regardless of item value, is exemplified by, but is not limited to, the following violations:

1. Unauthorized taking of City property, City supplies or the property of others;
2. Unauthorized use of City or employee funds;
3. Using or authorizing the use of City equipment, supplies or employee services for other than official City business, including the unauthorized use of City computers, printers, internet fees, long distance or pay telephone services.

K. **Insubordination** is exemplified by, but is not limited to, the following violations:
1. Willful failure or refusal to follow the orders or instructions of a department head, supervisor or higher authority; or
2. Pursuit of a denied request to a higher authority without revealing the lower level disposition. If the employee believes an instruction or order is illegal, unethical or unsafe, he or she should request an interpretation by the next higher level of authority.

L. **Abuse of drugs or alcohol, or other violation of the City's Drug-Free/Alcohol Free Workplace Policy.**

M. **Creating a Disturbance** is exemplified by, but is not limited to, the following violations:
1. Fighting or boisterous conduct;
2. Deliberate causing of physical injury to another employee or citizen;
3. Harassment or intimidation;
4. Violation of the City's Sexual and Other Unlawful Harassment Policy;
5. Unnecessary disruption of the work area;
6. Use of profane, abusive, threatening or loud and boisterous language;
7. Spreading of hurtful rumors and/or false reports; or
8. Other disruption of the harmonious relations among employees or between employees and the public.

N. **Abuse of City property** is exemplified by, but is not limited to, the following violations:
1. Intentional, careless or negligent damage to City equipment or property;
2. Waste of materials or negligent loss of tools or materials;
3. Improper maintenance of equipment; or
4. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

O. **Misconduct** is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest or confinement. The commission of a criminal act does not require charges being filed to be a violation of this policy.

P. **Disregard of public trust** is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.

Q. **Failure to report a violation** is exemplified by, but not limited to, failure to report to the proper authority any known violation of these standards of conduct.

R. **Failure to maintain sufficient competence to properly perform one's duties and to assume the responsibilities of one's position** require that an employee direct and coordinate his or her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. The fact that the employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as the result of job performance deficiencies.

S. **Violation of the City's policies on discrimination.**

T. **Failure to maintain a neat, well-groomed appearance**, and/or to be otherwise out of dress code in accordance with individually established departmental standards.

U. **Failure to maintain high standards of moral conduct** in one's personal affairs and/or otherwise participate in any incident that tends to or does impair his or her ability to perform as a City employee or cause the City to be brought into disrepute.

V. **Participation in practical jokes, pranks, hazing, horseplay**, or engaging in forms of agitation that are harmful or hurt coworkers' or others' feelings or could be viewed as workplace harassment or create a hostile atmosphere.

W. **Failure to immediately stop any behavior** when told it causes another harm, discomfort, or offense.

X. **Unauthorized disclosure** of City information to persons outside the department, except as provided in these policies or as authorized by the department head.

Y. **Contacting City Commission members about personnel matters**. City employees may appear before the City Commission in an off-duty capacity to express their views on a particular subject, with prior notification to the department head.

Z. **Seeking the influence or intervention** of anyone outside the City or department for purposes of personal advancement, advantage or transfer.

AA. **Failure to manage personal finances** An employee shall remain current on Breckenridge City taxes, fines, fees, and utility bills. An employee shall pay all just debts when due.

BB. **Cashing checks** of any kind (personal or from a third-party source) or otherwise using City funds to exchange financial instruments with cash. If a check is presented to the City as payment for City services that is over the amount owed to the City, an employee shall not give cash back to any person or entity. An employee may either (1) apply the overpayment amount toward a future bill; or (2) mail a refund check to the person or entity after the transaction, at the customer's choice.

EE. **Failure to notify** one's department head or supervisor of any traffic violations, (including Class C traffic offenses for employees with vehicle operation duties), any arrest, indictment or conviction within five calendar days of such violation, arrest, indictment or conviction.

FF. **Unauthorized disclosure of information concerning the progress of an investigation,** a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it.

GG. **Failure to** cooperate in an internal investigation.

HH. **Allowing non-City employees to** use or wear a City of Breckenridge issued t-shirt and/or uniform, badge, other official insignia, or to otherwise allow such items to leave their possession without prior approval of the department head.

Policy # 302 Customer Service

The City of Breckenridge is committed to providing excellent customer service. All citizens and customers shall be treated in a fair, friendly, courteous and respectful manner at all times. Every effort shall be made to assist a citizen or customer in finding what he or she needs and in resolving a problem in a timely manner. Staff shall listen carefully in order to respond appropriately. Employees shall strive to have resources readily available and to streamline procedures to respond quickly and efficiently. Staff shall make every effort to follow-through with the promised information or action and to follow-up when appropriate. Staff is encouraged to develop a rapport with regular customers. Employees shall immediately acknowledge the presence of a citizen or customer, even when otherwise engaged, and shall assist one another when necessary to serve someone in a timely manner. No personal business shall be conducted in view or hearing of a customer or citizen.

Policy # 303 Attendance & Punctuality

Employees must report for work punctually and work all scheduled hours and required overtime. Excessive tardiness and poor attendance disrupts workflow and customer service and will not be tolerated. Unusually frequent claiming of time off benefits may constitute grounds for the assumption that the physical condition of the employee is below the standard necessary for the proper performance of duties. Evidence of malingering, or the abuse of attendance benefits, will constitute grounds for dismissal or other disciplinary action. However, nothing in this policy shall conflict with the requirements of the Family and Medical Leave Act.

Policy # 304 Personal Appearance of Employees

Each employee's dress, grooming, and personal hygiene shall be appropriate to the work situation. The City's public image is a product of its staff. A professional appearance is key to creating and maintaining a favorable image. Because a customer often forms an opinion of the City by the appearance of those who serve him or her, a favorable appearance is essential.

Employees assigned uniforms must wear them correctly and keep them well maintained. Uniforms shall be neat and clean when the employee reports to work. When uniform items become unserviceable or unsightly, employees shall report such to their supervisor/department head to authorize replacement. Uniforms issued to employees by the City are to be worn for work only, including work-related training activities, and shall not be worn for personal use, other than to and from work.

Policy # 305 Security

At all times when interacting with the public outside a City office, employees below the Director level shall wear a City security badge or uniform identification. Employees are responsible for the security of their City uniforms, badges and keys. All serviceable uniform items, badges and keys shall be returned by employees upon separation from City employment.

Employees shall be conscious of building security and follow all established protocols. Any threat to building or employee security shall be promptly reported to the City Manager's Office and/or Police Department for appropriate action or precautions.

Policy # 306 Violence in the Workplace

The safety and security of City employees and those interacting with them are of vital importance. Acts or threats of physical violence, including intimidation, harassment and/or coercion, will not be tolerated from anyone. Even jokes about committing violence are prohibited and will be taken seriously. The prohibition against threats and acts of violence applies to all persons involved in the operation of the City, and anyone else on City property.

Policy # 307 Sexual & Other Unlawful Harassment

The City is committed to providing a work environment that is free of discrimination and harassment. No harassment will be tolerated, including actions, words, jokes, or comments based on an individual's sex, race, ethnicity/national origin, age, religion, genetic information, disability, pregnancy, military status or any other legally protected status. The City will take direct and immediate action to prevent such behavior and to investigate and remedy reported instances of workplace harassment. Supervisory personnel are required to take immediate and positive steps to eliminate any form of sexual or other workplace harassment when it comes to their attention.

Harassment is generally defined as unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys or insults another person, where such conduct has the purpose of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person's work performance.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting that individual; or

3. Such conduct has a purpose or effect of substantially interfering with an individual's professional performance or creating an intimidating, hostile or offensive employment environment.

Examples of sexual harassment could include, but are not limited to unwelcome sexual flirtation, touching, advances or propositioning; verbal abuse of a sexual nature; graphic suggestive comments about an individual's dress or body; or sexually degrading words describing an individual.

Whenever possible, employees encountering harassment, whether sexual or other unlawful harassment, should tell the person that his or her actions are unwelcome and offensive. Any employee who believes that a supervisor's, other employee's or non-employee's actions or words constitute harassment has a responsibility to report or complain about the situation as soon as possible to his or her supervisor or the Human Resources Department. The supervisor should also notify Human Resources. This will ensure that steps may be taken as necessary to protect the employee from further harassment, and appropriate investigative and disciplinary measures initiated. If it is not practical or is uncomfortable for the person being harassed to tell his or her supervisor, the employee should instead file a complaint directly with the Human Resources Department. The Human Resources Department will be responsible for the investigation of any complaint alleging harassment. All reports will be promptly investigated in as confidential a manner as possible, while still conducting a prompt and thorough investigation.

Employees may raise concerns and make reports of unlawful harassment without fear of reprisal. Anyone engaging in sexual or other unlawful harassment or retaliation will be subject to disciplinary action, up to and including termination of employment.

Policy # 308 Drug Free/Alcohol-Free Workplace / Drug Testing

It is the policy of the City to maintain a workplace that is free from the effects of drug and alcohol abuse. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner. While on City premises and while conducting business-related activities off City premises, no employee may use, possess, purchase, distribute, sell or be under the influence of alcohol or engage in the unlawful distribution, manufacture, dispensing, possession or use of illegal drugs, including having illegal drugs in one's system. Further, off-duty employees are prohibited from purchasing or from being served alcohol while wearing City-issued uniforms, or other attire displaying the City of Breckenridge name, logo, or other such identifying marks associating them with the City of Breckenridge.

The City will consider violations of this policy to constitute severe misconduct and will take appropriate disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

For purposes of this section, the term, "drug" includes alcohol, prescription or over-the-counter drugs when not taken as intended or as directed by the employee's doctor, illegal inhalants and illegal drugs. The term "illegal drugs" means controlled substances as defined by federal and state law.

The legal use of prescribed drugs or over-the-counter medications taken for a current health condition is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Employees must report such impairment or potential impairment to their immediate supervisor, department head, or to the Human Resources Department. The City reserves the right to limit, suspend, or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk.

An employee's voluntary disclosure of a chemical dependency problem may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a "voluntary disclosure" upon being notified that he or she must submit to a drug or alcohol test. Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their supervisor, department head or the Human Resources Department to receive assistance or referrals to appropriate resources. Such disclosures must occur PRIOR to the City discovering a violation of this policy.

Under the Drug-Free Workplace Act, an employee must notify the Human Resources Department of a criminal conviction for drug-related activity within five days of the conviction.

Employee Drug Testing: All employees of the City of Breckenridge are subject to drug and/or alcohol testing. The following tests may be conducted:

1. Pre-employment or post-offer alcohol and drug tests may be conducted on all job candidates as a condition of employment, or upon candidates for promotion.

NOTE: The City will seek reimbursement for the cost of the pre-employment drug screening; should the employee leave the employment of the City for any reason prior to successfully completing their introductory evaluation period of at least six months.
Added: June 3, 2013

2. Upon recommendation of the Department Head to the City Manager, post injury or accident alcohol and drug tests may be conducted on all employees as soon as practical following an injury or an accident, including motor vehicle or motorized equipment accidents, resulting in more than one day off work and/or significant property damages.
3. Alcohol and drug testing also may be conducted when a trained supervisor or department head has reasonable suspicion, or observes behavior, speech, appearance or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing must occur as soon as practical following the supervisor's observation. The supervisor must document his/her observations and forward the document to the Human Resources Department.
4. Employees who are covered by the U.S. Department of Transportation's regulations on drug testing (operators of heavy equipment, CDL drivers of certain passenger vehicles, etc.) and certain employees in safety-sensitive positions may be selected at random for drug and/or alcohol testing at any interval determined by the City.

Employees with questions about this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor, department head or the Human Resources Department without fear of reprisal.

Policy # 309 Workplace Searches

The City has an overriding interest and responsibility in the prevention of any activities which may interfere with effective, efficient and safe operations in the City. For this purpose, workplaces and workspaces of all City employees are subject to random inspections and investigation searches at any time by the City and continued City employment shall operate as employee consent for any searches or monitoring of City-owned or City-leased property or items. Further, no unauthorized locks or keys to locks for City-owned or City-leased property or items may be utilized by any City employee. Any utilization of such unauthorized locks or keys shall subject same to removal by the City.

The terms work place or work space include any area where work is performed and any items related to work which are used by or are accessible to any employee, such as computer equipment, including hardware, networks and hard drives, communication devices, offices, desks, files, file cabinets, lockers, cabinets, storage areas, City-owned or City-leased vehicles and equipment. In most cases, these terms do not include employee's personal items, such as personal vehicle, handbags or briefcases.

Employees have no expectation of privacy relating to City-owned or City-leased vehicles and equipment, offices, lockers, desks, files, file cabinets, storage areas,

cabinets, computer equipment, including hardware, networks and hard drives, communication devices and/or other City property.

Policy # 310 Smoke / Smokeless Tobacco

Smoking is not allowed inside or within ten feet of an entrance to any City facility. This policy applies to all employees and to customers and visitors while on City premises. The use of smokeless tobacco shall be discreet and is prohibited in any public area of a City facility or when interacting with the public.

Policy # 311 Political Activity

It is the policy of the City of Breckenridge to provide the following restrictions regarding the political activity of all City employees:

a. Employees shall refrain from publicly using their positions or influence for or against any candidate for public office in the City of Breckenridge.

b. Employees, either on duty, in uniform or other City-issued clothing, or while otherwise seeming to represent the City, shall not circulate petitions or campaign literature on behalf of candidates for a City of Breckenridge elective office or be in any way involved with soliciting or receiving any subscription, contribution, or political service on behalf of such candidates, unless specifically authorized by law to do so. Employees may not, by word, clothing, or implication, send a message that their local campaign activities are on behalf of the City or in any way associated with their City employment.

c. Employees shall not use working hours or City property to be in any way involved with soliciting or receiving any subscription, contribution, or political service or to circulate petitions or campaign literature on behalf of candidates for public office in any jurisdiction.

d. Employees shall not in any manner contribute City money, labor, time, or other City resources to any person for City of Breckenridge election purposes, unless specifically authorized by law to do so.

e. No employee may hold an appointed or elective City of Breckenridge office of public trust, nor hold a partisan office in any jurisdiction or any other office where service would constitute a direct conflict of interest with City of Breckenridge employment, as determined by the City Manager, either with or without remuneration. Upon announcement of his or her intention to assume such City of Breckenridge office, or to assume any other described office, an employee shall request an unpaid leave

of absence, resign at the time of announcement or upon election if a leave has been granted, or shall be dismissed upon failure to do so.

f. Nothing within this political activity policy shall be construed to affect an employee's right to vote.

Policy # 312 Garrity Warning

All employees must report to their department head any allegations of criminal activities against themselves or others. When City management becomes aware of an instance when a City employee may have involvement in an alleged criminal matter, an Administrative Inquiry should be conducted. This inquiry will include having the employee sign a written *Garrity* Warning, which allows the City to question the individual for employment/administrative purposes only about criminal matters without violating the employee's Fifth Amendment right against self-incrimination when the questions pertain to employment matters. Information obtained from the questioned employee may not be used against the employee for prosecution in criminal matters. In this way, the *Garrity* doctrine protects the Constitutional rights of City employees in criminal prosecutions while permitting the City to conduct investigations into possible criminal misconduct in the workplace.

Policy # 313 Firearms

The City of Breckenridge prohibits City employees from carrying firearms, including concealed handguns, inside City-owned or controlled premises without proper authorization from the City Manager. Where weapons are prohibited by Section 46.03 and 46.035 of the Texas Penal Code (such as schools, election polling places, courts and court offices, and government meetings), having a Concealed Handgun License is not a defense. The City will take whatever steps reasonable and necessary to deny entry into or onto City-owned or controlled premises and/or any other prohibited location.

Policy # 314 Arrest/Confinement

City employees are subject to duty restrictions and discipline for acts prohibited by law and/or resulting in charges being filed, arrest or confinement.

1. Any City employee detained by law enforcement authorities, who fails to report to work or to timely notify his/her supervisor or department head will be subject to disciplinary action for an unauthorized absence/Absence without Approved Leave. If the City employee does not report to work, the time shall be recorded as unpaid leave.

2. At the time the City is made aware of a City employee's arrest or conduct constituting a criminal offense, the Department Head may:

a. allow the employee to return to regular duty with pay;

b. allow the employee to return to restricted duty with pay; or

c. place the employee on administrative leave with pay.

3. Disciplinary action may be pursued in addition to the foregoing options concurrently or at a later date.

4. Disciplinary action also may be pursued while a City employee is in custody or incarcerated.

This policy also applies to the commission of acts prohibited by law and not resulting in charges being filed, arrest or confinement. Further, this policy is subject to a case-by-case review of the facts that will determine, in accordance with applicable law, the choice of the option to be pursued.

CHAPTER 4
CONDITIONS OF EMPLOYMENT

Policy # 400 Fitness for Duty

It is the continuing responsibility of each City employee to maintain the standards of physical and mental health fitness required for performing the essential duties of his/her position. An employee who becomes aware of a medical or mental condition that may affect the ability to perform the essential duties of the position must inform his/her supervisor and/or department head. When it is suspected that the health condition of an employee constitutes a hazard to persons or property or prevents the employee from effectively performing the essential assigned duties, the employee may be required to submit to a health examination to determine fitness for duty. Authorization for disclosure of all reports to the City, including contacting and discussing health-related issues with any physician or health care provider, shall be a condition of continued City employment. The City also may require employees to return to a physician or health care provider for additional evaluation or information.

Department heads or the Human Resources Department may require City employees to periodically demonstrate their ability to perform job-related physical requirements and/or establish voluntary or mandatory programs to maintain fitness by taking mental or physical examinations specifically related to employment in his/her job classification or department. Inability to demonstrate ability to perform job-related requirements, with or without reasonable accommodation, may result in medical separation, and failure to comply with the examinations may result in disciplinary action.

If an employee is unable to perform the essential duties of the assigned position, reasonable accommodations may be made by the City to provide for the employee to perform such duties. The City may also, when available and in its sole discretion, temporarily assign alternate or light duty to employees if the condition is of a temporary nature. If reasonable accommodation cannot be made, or if a temporary assignment is not appropriate or available, the employee may be placed on limited leave or medically separated.

Policy # 401 Residence Requirement

To the extent permitted by federal and state law, department heads, with the approval of the City Manager, may designate certain positions where it is appropriate that City employees reside within thirty minutes of the City of Breckenridge. Essential personnel or City employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work. City employees operating City vehicles between their places of residence and workstations also may be

required to reside within reasonable commuting ranges of the City or their workstations. The City Manager also may require a City employee hired or transferring into a position with residency or response requirements to comply with the established standards prior to completion of the introductory evaluation/probationary period. However, there shall be no absolute residence requirement for City employment, except as may be provided by law or contract.

Policy # 402 Separation of Employment

It is the policy of the City of Breckenridge to approach each termination with fairness, both to the employee and the City. Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at-will, with or without cause, at any time.

An employee may leave City service in good standing by submitting a written resignation, giving at least ten working days' notice to the City employee's department head and the Human Resources Department. The City may waive any portion of the notice period. An employee resigning without the required notice shall be ineligible for reinstatement unless the notice requirement is waived.

The written notice shall include, but is not limited to, the following:

a. Date of letter;

b. Last day of employment;

c. Forwarding address; and

d. Signature of the City employee.

All records, property, uniforms, security badges, keys, or other instruments belonging to the City of Breckenridge that are in the possession of the separated employee shall be returned before final payment will be made. In the event such items are not returned to the City prior to the issuance of final payment, as a condition of employment with the City, the City employee agrees that such amounts may be deducted from any final payment due such City employee.

Examples of the most common circumstances under which employment is terminated are (this list is not all-inclusive):

Resignation - termination initiated by an employee who chooses to resign from or leave the City voluntarily.

Retirement - voluntary resignation from active employment status initiated by the employee. Eligible employees may be separated by retirement in accordance with applicable programs.

Involuntary Termination - an employment termination initiated by the City at any time, for any non-discriminatory reason or for no reason.

Reduction in Force (RIF) - an involuntary termination initiated by the City for business reasons. A City employee may be laid off because of changes in duties or organization or for lack of work or lack of funds. Whenever possible, a City employee laid off from one City department shall be transferred to a suitable position elsewhere, if qualified. Whenever possible, two weeks' notice shall be given to a City employee prior to layoff.

Medical Separation - A City employee may be separated for medical and/or physical reasons when the City employee is no longer able to perform the physical and/or mental requirements of his or her job, with or without reasonable accommodation. A physical examination by a physician specified by the City may be required by the City Manager to determine if the City employee is capable of performing the requirements of his or her job. Medical separation shall not be considered disciplinary action and shall not be used to deny a City employee the use of any injury, disability, or other benefits offered by the City in conjunction with any non-disciplinary separation.

Policy # 403 Reemployment

Former City employees will not be given consideration for reemployment, except as provided within these policies, and at the discretion of the City Manager. Consideration for reemployment of any former City employee may be granted to those applicants who can demonstrate acceptable prior City service and were not involuntarily terminated. If reemployment occurs within 45 calendar days from the original termination date, the employee will be reinstated with their original hire date, seniority and longevity. The employee will be treated as a new hire with respect to benefits and will have the requisite wait period before becoming eligible for benefits, including medical, dental, and life insurance. Employees who are not considered eligible for re-hire will not be considered for reemployment.

CHAPTER 5
APPLICATION & EMPLOYMENT PROCESS

Policy # 500 Application Requirements

It is the City's policy to provide equal employment to all applicants and employment shall be based upon merit, ability and fitness. This policy outlines the process for selecting and disqualifying applicants that have applied with the City of Breckenridge. No one shall be employed in any position with the City until a completed application of employment is provided to the Human Resources Department for review. It is necessary that the candidate provide previous experience on the Application for Employment. All information submitted in connection with applying for City positions is subject to verification.

The City of Breckenridge conforms to all provisions of the Immigration Reform and Control Act of 1986. All individuals hired by the City shall submit required documentation and information to ensure compliance with the Act.

The City relies upon the accuracy of information contained in the employment application, and throughout the hiring process and employment. An applicant shall be disqualified from consideration for employment, or if the person has been hired, employment will be terminated for the following reasons:

- Misrepresentations, falsifications, or material omissions;
- Does not meet the job qualifications;
- Has committed or attempted to commit a fraudulent act at any stage of the selection process; and/or
- Is not legally permitted to work in this Country.

Policy # 501 Employment Categories

For the purpose of compensation administration, the City classifies employees as exempt or nonexempt and as:

- regular full-time (on the average works 40 hours per week, either salaried or hourly, paid bi-weekly, with full benefits). The 40-hour workweek requirement does not apply to firefighters or police officers.
- regular part-time (on the average works fewer than 20 hours per week and 1000 hours per year, paid bi-weekly on an hourly basis, with no benefits unless required by law or a benefit plan).
- seasonal or temporary (works part-time or full-time in a position that is expected to be funded for less than six months or 1000 hours per year, paid bi-weekly on an hourly basis, with no benefits).

Policy # 502 Job Evaluation

It is the policy of the City to periodically evaluate all jobs in order to establish a consistent basis for measuring and ranking the relative worth of each job. Employee compensation within any classification is based on factors such as merit, experience, training, individual productivity, length of service, and external market factors.

Policy # 503 Job Descriptions

It is the policy of the City to have complete and up-to-date written job descriptions for all positions within the City. Job descriptions will be prepared prior to advertising or interviewing for any position. Complete and accurate job descriptions are crucial in a good pre-placement screening program for the following reasons:

- They will serve as one element of the evidence of the essential functions of the job.
- They will be used in interviewing job applicants to determine whether or not those applicants can perform the essential and marginal functions of the job for which they are interviewing, either with or without reasonable accommodation.
- They will serve as the baseline for performance evaluations and validate competency requirements per City standards.
- They will provide guidance in redefining jobs for departmental redesign.

Policy # 504 Vacancies

The City's Human Resources Department will coordinate with department heads and/or the City Manager to identify and announce vacancies, collect and maintain employment applications, determine requirements for employment based upon job descriptions, evaluate applications for employment, and determine if candidates meet minimum qualifications. The Human Resources Department will coordinate and assist with all recruitment activities.

Employees shall be selected on the basis of job-related qualifications and fitness for the position. The City of Breckenridge encourages promotion from within for qualified candidates with good service records. Job postings may be made internally, externally or both, depending on the situation. Job postings shall be made internally for seven (7) days. Each announcement shall contain a statement affirming the City's commitment to a policy of Equal Employment Opportunity.

Policy # 505 Recruitment / Selection Process

It is the policy of the City of Breckenridge to adhere to the principles of Equal Employment Opportunity and to comply with all local, state, and federal laws applicable

to recruiting, interviewing, and selecting City employees. The City of Breckenridge strives to promote from within whenever possible and select the best candidates for employment.

Policy # 506 Employment of Relatives/Nepotism

Without the approval of the City Manager and City Commission, no person related within the second degree by marriage or within the third degree by blood to an elected official of the City (e.g., City Commission member, including the Mayor) or to the City Manager shall be employed or contracted with for any office, position or clerkship of City service. This prohibition shall not apply to individuals who shall have been continuously employed by the City at least six months before the election or appointment of this elected or appointed official.

In addition to the above, any spouse or member(s) of the immediate family of any City employee shall not be employed in any position where:

1. There is a supervisory/subordinate relationship;

2. The employee is working in the same department, unless waived by the City Manager; or

3. Where one of the employees has access to confidential records, or is in the position to make personnel, benefits, or other decisions affecting the other, unless exempted by law or the City Manager. For purposes of this provision, "confidential records" are those deemed confidential by the Texas Public Information Act, Chapter 552, Texas Government Code.

For purposes of this policy, "immediate family" means spouse, parent, step-parent, parent-in-law, aunt, uncle, child, step-child, brother, sister, brother-in-law/sister-in-law, step-brother/sister, step-brother-in-law/sister-in-law, step-parent-in-law, grandparent or grandchild, or whose relationship with the employee is similar to that of persons included in this definition, , such as, for example, a couple living together who are not married, or a person who served in the role of the employee's parent when the employee was a child. This policy also may apply to other individuals who are not legally related, but who reside with the City employee, in the sole discretion of the City Manager.

Changes in an employee's status relative to this policy must be disclosed to the Human Resources Department and the City Manager. The foregoing provisions apply to all classifications and status of City employees.

Policy # 507 Medical/Psychological Examination

A person selected for initial appointment or reinstatement may be required to undergo a thorough medical examination, or psychological examination depending on the position,

at City expense in a manner prescribed by these policies. If required, City employment shall be contingent upon successful completion of the medical and/or psychological examination in relation to the standards of fitness required for the position involved as described in the job description. The City Manager, acting on information provided by medical personnel, as well as reasonable accommodation requirements, shall, in the event any question arises, be the final authority in determining medical suitability for City employment.

With the approval of the City Manager, a department head may require that a current City employee successfully undergo a medical or psychological examination to determine fitness for continued City employment in the case of a City employee who becomes ill, injured, or otherwise impaired, or for promotion or transfer to another position with specific physical requirements.

A qualified licensed healthcare professional of the City's choice performs all medical and psychological examinations. Any offer of City employment and/or subsequent assignment of duties are contingent upon acceptable completion, to the City of Breckenridge's standards, of the medical and/or psychological examination.

Policy # 508 Background / Reference Checks

The City of Breckenridge may conduct background and/or reference checks on prospective employees in order to verify their identity, qualifications, ability and character. Once a decision is made to hire an applicant, the Human Resources Department will review the applicant's employment history, references, driving record, and verify professional licenses and education, as necessary. Employment shall be contingent upon satisfactory findings.

Policy # 509 Hiring/Requirements of Employment

It is the policy of the City to be an equal opportunity employer and to hire individuals solely on the basis of their qualifications, fitness for the position and ability to do the job to be filled. Employment with the City of Breckenridge is considered to be at-will, so that either may terminate the relationship at any time and for any lawful reason.

To be eligible for employment with the City, or for a change in present personnel status, an individual must:

A. Be at least 16 years of age for part-time and/or seasonal and temporary positions and depending upon the requirements of each position;

B. Have a social security number;

C. Agree to be fingerprinted, if requested;

D. Agree to a polygraph examination related specifically to job performance for positions designated by the City Manager, if requested;

E. If requested, pass a physical and/or psychological examination administered by a licensed medical provider selected by the City, to ensure ability to perform essential duties of the job;

F. Agree to alcohol and drug screening tests, including random testing as permitted by law;

G. Satisfactorily complete any interviews, examinations and performance tests, if required because of job duties;

H. Show proof of United States citizenship, legal residence, or other documentation that establishes employment eligibility in the United States, as required by the Department of Justice;

I. Possess a valid Texas driver's license and have an acceptable driving record in compliance with City policy, where applicable, unless waived by the City Manager;

J. Meet minimum requirements of the job description for which employment is sought and submit to all other employment procedures administered by the Human Resources Department;

K. Be at least 21 years of age to be a commissioned police officer in the Breckenridge Police Department;

L. Be at least 18 years of age to be employed in Fire Service or in any other City service or City department to fill a regular, full-time position.

Policy # 510 Outside/Secondary Employment

A City employee shall not engage in outside/secondary employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance in the City service. Outside/secondary employment must be reported to and approved by the employee's supervisor and shall be in conformance with the City's adopted Code of Ethics and as specified by these policies. If any employee or supervisor has a question about whether the outside position conflicts with or interferes with the employee's primary job with the City, the issue must be brought to the City Manager for a determination.

A. Each full-time City employee shall understand that his/her position with the City of Breckenridge is his/her primary occupation and it shall take precedence over all secondary/outside jobs at all times. A City employee who is working another job at the time of hire, and who intends to continue the other employment, must so advise the appropriate supervisor or department head. A City employee is permitted to engage in any business, trade, occupation or profession, including self-employment, provided prior written approval of the supervisor is secured and placed in the employee's personnel file. Failure to acquire prior approval is grounds for disciplinary action.

1. A City employee whose position requires him/her to occupy an "on-call" status or is subject to recall to work in an emergency shall recognize such status as an obligation to the City of Breckenridge and shall fulfill that obligation if called to work for the City during these hours even while working on the second/outside job.

2. Such secondary/outside employment shall not be permitted if it will bring the City into disrepute, reflect discredit upon the employee as an employee of the City or interfere with the performance of the employee's City duties such as if the City employee is insufficiently rested or requires City time to attend to personal business because of the outside employment.

3. A City employee shall not perform any outside work or engage in extra-duty employment at any time when the City employee is on leave from the City for paid or unpaid leave of any kind, except for vacation, comp time or holiday leave, without approval from the Human Resources Department. A City employee shall not perform any outside work or engage in extra-duty employment within eight hours after the City employee's missed work period with the City due to the employee's illness or injury, except with HR approval.

4. No City employee shall engage in any employment or business on a matter that is or has been the subject of an investigation by the employee's department within the last 12 months, nor may the employee appear as a witness except by court order in any proceeding as a result of such employment.

5. No City employee shall identify himself/herself with his/her position, department or the City of Breckenridge in:

   a. The course of a sale or solicitation for sale of any goods or services; or

b. The advocacy of any policy, practice, standard or position not officially sanctioned by the City.

6. No City employee at any time shall use or utilize City property, equipment, goods or services in the performance of his/her secondary/outside employment, except as is customary for police officers in security jobs, such as school functions.

7. These rules apply whether or not the outside work is paid or unpaid.

B. Department Heads are prohibited from engaging in any form of secondary/outside employment except as may be specifically approved by the City Manager.

C. An employee of the City of Breckenridge who holds another paid office, or a position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.

CHAPTER 6
EMPLOYMENT STATUS & PERSONNEL RECORDS

Policy # 600 Status Changes

The City maintains accurate employment status information on all employees. To ensure that information is current, a Personnel Change Notice must be completed to make any changes in a City employee's record. City employees are responsible for reporting personal status changes, e.g. address, phone number and beneficiary changes to the Human Resources Department. Department heads are responsible for reporting employment status changes, e.g. title, department or salary changes.

City employees also must report any changes in dependents or marital status to the City Office to ensure the Federal Withholding Exemption Certificates and all other applicable tax or legal documents are up to date.

Policy # 601 Employee Orientation

The City provides a general orientation to all new employees. City employees learn about the City of Breckenridge guidelines, policies, procedures and benefit programs and receive this Employee Personnel Policy Manual and are encouraged to ask questions. All City employees must sign the Employee ACKNOWLEDGMENT FORM at the back of this Manual for inclusion in their personnel file. As benefits and policies change, the Employee Personnel Policy Manual template and departmental manuals will be updated and notices to employees will be posted on departmental bulletin boards.

Policy # 602 Introductory Evaluation Period

Every person initially appointed to, transferred or promoted in the City service shall be required to successfully complete an introductory evaluation period of at least six months. A longer introductory evaluation period may be required for certain positions, when it is determined by the City Manager that it is warranted.

All appointments, except temporary appointments and reappointments, shall comply with the introductory evaluation period. An extension may be granted in individual cases, upon approval of the City Manager. An employee shall be retained beyond the introductory evaluation period and granted regular full-time status only on the basis that the services of the employee have been satisfactory and approved by the City Manager. Supervisors shall evaluate employees upon completion of the introductory evaluation period and submit employee status change forms to the Human Resources Department. Employees who have successfully completed the introductory evaluation period remain at-will employees of the City.

A City employee shall fail the introductory evaluation period when, in the judgment of the department head, the City employee's performance and/or quality of work are not such as to merit continuation in the job. Failure to satisfactorily complete the introductory evaluation period may result in termination. A newly promoted City employee who fails the introductory evaluation period shall be returned to his or her former type of job, if the position is available. Inability to comply with licensing or certification requirements as established by law or established in the job description shall constitute failure of the introductory evaluation period. Extension of the introductory evaluation period after failure will be determined by the department head and the City Manager.

Policy # 603 Evaluation Process

All regular full-time and regular part-time City employees, sworn and non-sworn, will receive an employee evaluation at least once annually. The work performance of employees shall be evaluated in accordance with the Employee Performance Appraisal designed to assist supervisors and employees in measuring how well the work is being performed and to provide a tool for management decisions regarding training, assignment, promotion, retention, and compensation of employees. All job performance evaluations shall be in writing and on the appropriate forms provided and/or approved by the Human Resources Department. An employee's failure to meet job requirements, failure to satisfactorily perform job duties or failure to meet performance standards may result in disciplinary action, up to and including termination.

Policy # 604 Seniority

City employees' seniority status is based on their full-time date of hire. A City employee's seniority status within a department may be considered for purposes of determining shift and work assignments, transfers, and time-off requests, for example. Seniority status may be affected if transferred to a different department and job description, based on that department's established policy.

Policy # 605 Transfer / Promotion

It is the policy of the City of Breckenridge to provide transfer/promotion opportunities whenever reasonably possible to qualified City employees. Transfer and promotion decisions are based on long-term business goals, employee performance and the employee's potential for success in the new position. Transfers and promotions shall be offered to City employees at the sole discretion of the City.

A transfer is the assignment of an employee from one position to another position having the same pay range and generally the same duties and responsibilities. Promotions are position changes resulting in higher pay and a higher level of duties and responsibilities.

City employees may apply in writing for a transfer/promotion to a vacant position either within or outside their current department. To be eligible for a transfer/promotion, an employee must meet the current minimum requirements for the vacant position. An employee on a performance improvement plan or disciplinary probation will not be considered eligible for promotion. All transfers/promotions shall be documented on appropriate forms and forwarded to the Human Resources Department for processing.

Temporary promotions may be authorized to ensure the proper performance of City functions if a position is vacant or the regular incumbent is absent. Temporary promotions are intended to be temporary and shall not be utilized to circumvent the established selection process.

Policy # 606 Demotion

A demotion is the assignment of an employee from a position in one classification to a position in another classification having a lower pay grade, which may or may not require a salary reduction (depending on the type of demotion). With the approval of the City Manager and if qualified to perform the duties of the lower level position, a City employee may be administratively demoted at his or her own request or as an alternative to a reduction in force (RIF). Such demotions shall not be considered disciplinary actions or disqualify the employee involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

Voluntary Demotions: may or may not require an appropriate salary reduction to be determined by the department head and City Manager. The demoted employee's salary should not be greater than the maximum of the lower classification.

Involuntary Demotions: may or may not require a salary reduction and will be reviewed on a case-by-case basis by the department head and City Manager. Involuntary demotions may occur for disciplinary reasons in which case a written statement of the reasons for the demotion must accompany the demotion notice. A copy of the demotion notice must be presented to the affected City employee, who has the right to appeal through the grievance procedures.

Policy # 607 Personnel Records

The City maintains personnel records for applicants, employees, and past employees in order to document employee-related decisions and comply with record keeping and reporting requirements. The Human Resources Department is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured. Unless otherwise provided by law, personnel files and information shall be confidential and may only be used or divulged

for lawful purposes and by authorized persons. Disclosure may occur only with the permission of the City employees involved, or as provided by the Public Information Act.

A City employee shall have a right of reasonable inspection of his or her official personnel file under procedures prescribed by the Human Resources Department.

Policy # 608 Confidentiality of Employee Records

All employee information shall be kept secured in the Human Resources Department. Employee records containing medical information will be kept in a confidential file separate from the personnel file and locked by physical and/or electronic means.

Access to City employee files and related confidential information shall be limited to individuals having a valid business need. Examples of individuals that may have a need are the City Manager, Assistant City Manager, Department Heads, and Human Resources staff, in their regular course of business and job responsibilities. In addition, upon request, individual City employees may review the contents of their employment records in the presence of one of the authorized persons named herein.

City employment records must not leave the confines of City Hall, except as necessary in the course of litigation or other such legal procedure.

Policy # 609 Release of Employee Information

All inquiries received either by telephone or in writing regarding present or past City employees are to be referred to the Human Resources Department. The Human Resources Department will only provide the following referral information:

- dates of employment
- verification of last rate of pay
- title of last job held

Additional information will be provided only if a former or present City employee submits a signed authorization requesting in writing the specific information to be released, except as required by law. Requests under the Public Information Act must be in writing and are to be referred to the City Secretary's office. Pursuant to Sec. 552.024, Texas Government Code, City employees may sign a written statement denying public access to information in the custody of the City which relates to home address, home telephone number, Social Security number, or which reveals whether or not the employee has family members. All information not protected by a City employee's signed statement or the law will be furnished upon request.

CHAPTER 7
COMPENSATION

Policy # 700 Compensation Plan

It is the policy of the City of Breckenridge to provide fair and competitive wages for all City employees. The City Manager and/or his or her designee shall administer a comprehensive compensation plan for City employees as prescribed in these policies, and as approved by City Commission each year during the annual budget process.

Objectives

The basic philosophy and objectives of the City's compensation system are:

1. To attract and retain qualified workers;
2. To provide fair salaries for all workers of the City;
3. To motivate and reward high-level performance;
4. To maintain a competitive position with other employers in the geographic area; and
5. To account for cost of living factors.

Salary ranges established for any given year are best maintained if adjusted periodically to reflect the movements of wages occurring in the competitive marketplace. No such adjustments shall be granted by the City Manager unless the City budget is adopted and provides for funds to cover these increases. No automatic increases will be given.

Policy # 701 Pay Procedures/Advance Pay

It is the policy of the City of Breckenridge to pay regular employees bi-weekly by direct deposit every other Wednesday. The seven-day workweek begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday.

Time worked shall be rounded to and paid in quarter-hour increments. Any payment of compensation, including overtime recommended by a department head, shall comply with the provisions of this manual.

Policy # 702 Overtime

It is the general policy of the City of Breckenridge to limit overtime. Any overtime must be approved in advance, before it is worked. Employees authorized to receive overtime and required to work scheduled or emergency overtime shall receive compensatory time off at time and one-half or monetary reimbursement at time and one-half rate for all overtime worked in excess of 40 hours per work week, at the City's choice. For non-

firefighter or police personnel, the seven-day work period for purposes of calculating overtime is 12:00 a.m. Monday through 11:59 p.m. Sunday.

Overtime for non-exempt public safety employees is based on their defined work periods. Firefighters' overtime is based on work performed over 106 hours in a 14-day work period beginning at 12:00 a.m. on Monday. Police officers' overtime is based on work performed over 40 hours in the work period.

For purposes of determining overtime compensation, "hours of work" shall include all time an employee is actually on duty at the City's establishment or other prescribed workplace. "Hours of work" does not include vacation days, sick days, compensatory time off, bereavement leave, jury leave, or other occasions in which an employee received compensation even though the employee actually performed no work or services.

When overtime is required, it shall be allocated as evenly as possible by the department head among all non-exempt employees qualified to do the work. **Employees must get prior approval from their department head to work overtime**. Salaried, exempt employees normally do not receive overtime; in rare circumstances, when the City Manager determines that overtime is warranted during a declared disaster, salaried, exempt employees may be paid overtime for hours worked over 40 hours per workweek. The Human Resources Department is responsible for determining the exempt/non-exempt status of positions in accordance with guidelines established by the Fair Labor Standards Act (FLSA).

Policy # 703 Compensatory Time

Compensatory time is time off earned by a non-exempt employee in lieu of overtime pay, when an agreement is reached between the employee and the City before the performance of the work, at the City's choice. Compensatory time off shall not be counted as hours worked during the applicable workweek or work period when calculating overtime compensation.

Compensatory time is earned at the rate of one and one-half hours for each hour of overtime worked.

Non-exempt employees shall be permitted to use accrued compensatory time within a reasonable time period after making a request if using the compensatory time does not unduly disrupt the operations of the City. Employees may also be required at any time to use their compensatory time to bring down accrual levels.

Exempt employees do not receive compensatory time and/or overtime pay under the FLSA. At his/her sole discretion, the City Manager may approve paid administrative leave for an exempt employee if an excessive number of extra hours were required during a specific work period.

Payment for overtime worked and/or the use of compensatory time shall be itemized separately on the time and attendance report.

Policy # 704 Hours of Work/Travel Time

The City of Breckenridge shall establish the time and duration of working hours as required by workload and production flow, customer service needs, the efficient management of human resources, and according to any applicable law.

Ordinary commuting time is not considered "hours of work" except in the case of emergency call-backs. Worksite to work-site travel is included in "hours of work" after the first worksite is reached.

Out-of-town work-related travel and meeting time is work time, but time spent in voluntary receptions or resting is not.

Policy # 705 Emergency Call Back

Non-exempt employees who work emergency duty on Saturday or Sunday, or those who are called back to work in emergencies, shall be compensated for actual time worked. During a disaster and upon approval by the City Manager, exempt employees may be paid for overtime hours worked.

Policy # 706 Inclement Weather

City employees are generally expected to report to work during inclement weather conditions if the City does not declare an emergency closing. Unless pay is authorized by the City Manager, City employees who are unable to report to work because of weather conditions will be granted an authorized unpaid absence, which may become paid time through the mandatory use of compensatory time, or the voluntary use of vacation time.

If weather conditions are such that personal judgment prevents the City employee from coming to work or causes them to be late, the City employee should notify his/her department head within one-hour after the start of the workday.

If any City offices are closed due to inclement weather conditions, the decision about which departments or divisions will be closed and how pay will be handled is the responsibility of the City Manager.

Policy # 707 Mileage Reimbursement

City employees generally take a City vehicle for City authorized travel. The City reimburses employees for mileage at the IRS rate for driving their personal vehicle to a

remote alternate work site or meeting location when authorized by the City Manager. Mileage will be calculated from the City's location to the alternate location. If an employee chooses to drive when airfare plus related expenses (rent car, airport parking, etc.) would cost less than mileage, the employee is responsible for mileage costs over the total cost of flying to the location. The Employee Expense Report will be completed following each trip.

Policy # 708 Expense Reimbursement

The City reimburses employees for regular expenses incurred during approved business travel or for approved business purchases. Business travel must be approved in advance and will be reimbursed according to IRS and state guidelines. The Employee Expense Report will be completed following each trip.

Employees shall receive a per diem at the rate determined by the City Manager for meals during approved business travel. Hotels and public transportation expenses must be preapproved and, when possible, incurred at the government rate, if lower than the event rate. Additional travel or business expenditures will be reimbursed upon approval by the department head or City Manager and presentation of the appropriate receipts. The follow expenses are not allowable: entertainment, alcoholic beverages, laundry service, more than one personal phone call per day, and additional travel expenses for a spouse or guest not pre-approved by the City Manager.

Policy # 709 Separation Pay

All employees who leave City service for any reason shall receive all pay that legally may be due them. Any indebtedness to the City which an employee may have incurred shall be deducted from the final paycheck, and by accepting City employment, an employee agrees to these terms. Final pay for City employees who resign or are involuntarily terminated will be issued on the next payday.

All City employees who resign shall give at least ten working days' written notice before the effective date of resignation to leave in good standing. After a City employee gives the required notice, a department head or the City Manager may choose to waive the required notice, as deemed necessary. If the City waives the ten working days' notice, a City employee may not be compensated for such period.

All employees shall be paid for accumulated vacation time and compensatory time and holidays upon separation. Those employees terminated after October 1st and who have completed less than 12 full months of service prior to October 1st shall be paid a prorated amount for vacation time accrued. Those who have completed 12 full months of service prior to separation shall be paid for accumulated vacation time. Employees who leave before October 1st and before completing 12 full months of service are not eligible to receive vacation pay at separation.

CHAPTER 8
EMPLOYEE BENEFITS

Policy # 800 Insurance

All regular, full-time employees are eligible for and are covered by medical, accidental death and dismemberment, and $10,000 life insurance after the applicable waiting period has been met under the City's group insurance policies. The City pays 100% of the employee's premiums. The City's coverage allows the option of additional insurance for dependents at the employee's expense through payroll deduction. If major medical dependent coverage is elected, the employee will pay 100% of the additional premium per month. Detailed information concerning City employee insurance programs may be obtained in the applicable insurance manuals or in the Human Resources Department.

In addition, all regular full-time employees are covered under the Medicare portion of Social Security. The Medicare tax is paid by both the employee and the City. All employees, when qualified, are also covered under the Texas Workers' Compensation Insurance and Texas Workforce Commission's unemployment compensation insurance.

Policy # 801 Benefits Continuation

Covered employees and their qualified beneficiaries have the opportunity to continue health insurance coverage under the City of Breckenridge's health plan for specified periods of time when a "qualifying event" would normally result in the loss of eligibility. Qualified beneficiaries are individuals who, on the day before a qualifying event, are covered under a group health plan as a covered employee, spouse of a covered employee, or a dependent child of a covered employee. Qualified beneficiaries also include children who are born to, or placed for adoption with, a covered employee during the period of continuation coverage. Some common qualifying events are resignation, termination of employment, (except terminations for gross misconduct) or death of an employee; a reduction in an employee's hours; an employee's divorce or legal separation; and a dependent child who no longer meets eligibility requirements. If continuation is elected, the employee or beneficiary pays the full cost of coverage plus an administrative fee. Each eligible employee will be provided with written information describing rights and obligations when the employee becomes eligible for coverage under the City's health insurance plan.

Policy # 802 Retirement

The City of Breckenridge is a member of the Texas Municipal Retirement System (TMRS). Participation in this system is compulsory for all regular employees who are regularly scheduled to work 1,000 hours or more annually. Enrollment into this system shall be handled by the City's Human Resources Department at the date of employment.

1. The plan requires each City employee to contribute five percent (5%) of annual gross pay through payroll deductions. The City matches each employee's contribution at a one and one-half to one (1.5 to 1) ratio.

2. An employee must be employed by the City for at least five years to be vested.

3. In the event the employee leaves the employment of the City prior to retirement and is not vested, such employee may a) elect to leave his/her contributions on deposit with the TMRS pursuant to the TMRS policies for up to five years; b) file application for a full refund of the employee's contributions and accrued interest thereon; or c) may roll the funds over into a qualified account.

4. Complete details of the retirement plans, as well as additional information, is provided in the Texas Municipal Retirement System Handbook available through TMRS and the Human Resources Department.

5. Employees on leave without pay are not eligible to make contributions to the Texas Municipal Retirement System.

Policy # 803 Holidays Observed

It is the policy of the City of Breckenridge that all full-time employees shall be entitled to paid holidays. It is the City's intent to consider the most commonly recognized and nationally celebrated holidays allowing for the majority of City employees to observe these holidays as days off with pay. However, reasonable accommodation shall be made to City employees desiring to observe religious holidays not coinciding with official City observed holidays. City employees wishing to observe religious or other holidays not listed herein may be authorized to use accrued leave, other than sick leave, or to take time off without pay.

The City of Breckenridge observes the following holidays:

New Year's Day	January 1
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Thanksgiving Friday	Friday after Thanksgiving
Christmas Day	December 25
Day before or after Christmas Day	Discretion of City Manager

Additional days may be designated as holidays by City Commission.

The following rules apply:

1. If a holiday falls on Saturday, it will be observed on the preceding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday.
2. A holiday is defined as a regular shift for an employee.
3. Holidays must be taken in full days as defined by an employee's regular shift.
4. If an employee is scheduled to work on a holiday and he takes off, it will be counted as a holiday.
5. To maintain continuous services to the citizens of Breckenridge, some City employees may be required to work on a holiday.
6. If an employee is scheduled to work on a holiday, he/she will receive straight time pay equal to his/her regular shift.
7. New full-time employees are eligible for paid holidays during their introductory evaluation period.
8. Part-time employees may be granted unpaid holidays.
9. An employee on leave of absence without pay shall not receive holiday benefits.
10. A City employee shall not receive pay for a holiday if he/she is absent without approved leave or without a doctor's note the day before or the day following an official holiday.
11. An official holiday occurring while any eligible paid leave is being taken shall be reflected as a holiday for payroll purposes and no deduction shall be made for the eligible paid leave. However, employees on continuous leave of absence will not be granted additional time off because of the occurrence of a holiday during the leave of absence. For example, an employee on 12 weeks of new baby leave will not have extra days added to the leave to account for holidays occurring during the leave.
12. Employees desiring to observe holidays not coinciding with official City holidays may be authorized to use accrued leave, other than sick leave, or to take time off without pay.

Policy # 804 Vacation

It is the policy of the City of Breckenridge to grant annual vacations with pay to regular full-time employees in accordance with the guidelines established by the City. Part-time and temporary employees are not eligible to accrue vacation leave.

The established vacation year is based on the City's fiscal year. Vacations are accrued at 3.08 hours or 4.62 hours per pay period based on the City employee's length of service. Vacation is accrued as follows, regardless of the length of the employees' regular workday:

Years of Service	**Hours Year**
after one year	80 hours (3.08 hrs/pay period)
after five years	120 hours (4.62 hrs/ pay period)

Twenty-four (24) hour shift employees will accrue vacation time at 4.62 hours per pay period up to a total of 120 hours per year with an accumulated total of 168 hours. After five years of service, vacation is accrued at an additional .38 hours per pay period for each year of service up to a total of 168 hours.

Vacation begins to accrue upon appointment to a regular full-time position and will be prorated during the first year of employment. Vacation may be used for a bona fide sickness after sick leave has been exhausted. City employees shall not accumulate vacation leave while on an approved unpaid leave of absence. Vacation leave shall not be counted as hours worked during the applicable work week or work period when calculating overtime compensation.

Vacation time may accrue up to a maximum of 80 hours per year, except for those City employees that have worked in City service for over five years, in which case those certain City employees may accrue up to a maximum of 120 hours per year. Employees are encouraged to take their earned vacation time rather than allow it to accrue to the maximum levels.

Vacation leave shall be scheduled with the employee's department head for the convenience of the City employee in so far as possible, but so as not to cause interference with the normal functioning of the City's operations. Vacation may be taken in any increment provided it does not interrupt the working schedule of the department. All vacation leave must be requested in advance, and also must be approved by the department head.

Pay in-lieu-of vacation shall not be permitted, except in the most extraordinary circumstances and must be approved by the City Manager.

Policy # 805 Sick Leave

Regular full-time employees accrue sick time at 4.62 hours per pay period for a total of 120 hours per year. Sick leave may accumulate for regular, full-time employees not to exceed seven hundred twenty (720) hours. Hours may be carried over each year but can total no more than seven hundred twenty (720) hours. Sick leave hours will accumulate but may not be taken during the introductory evaluation period (i.e., first six months of City employment for most employees), unless the City Manager grants his/her prior approval on a case by case basis.

Twenty-four (24) hour shift employees will accrue sick leave at 6.46 hours per pay period up to a total of 168 hours per year with an accumulated maximum of 1,008 hours. Hours may be carried over each year but can total no more than 1,008 hours.

Sick leave may be used when an employee is unable to work due to personal illness or physical or mental incapacity; for medical doctor, optical and/or dental visits; for medical quarantine resulting from exposure to a contagious disease; or when the employee is required to attend to immediate family members who are ill, including children, a spouse, other dependents living within the same household, and parents.

Employees are encouraged to reserve their sick time in the event of unforeseen long-term or catastrophic illness or injury that would normally cause them to incur financial hardship. Abuse of sick leave will not be tolerated. Employees who claim sick leave for purposes other than those intended by this policy shall be disciplined.

Employees shall not earn sick leave while on leave of absence without pay. Sick leave shall not be counted as hours worked during the applicable work week or work period when calculating overtime compensation.

After compensatory time and sick leave have been exhausted, accrued vacation may be used as sick leave. When absence due to illness exceeds the amount of accrued paid leave, the employee shall be placed on unpaid leave of absence for the remainder of their allowed time off from work (see Chapter 10 for unpaid leaves of absence and limits on time off). Employees may also apply to the City's Sick Leave Bank for extended illnesses.

City employees are required to communicate with their immediate supervisor or department head that they will be absent as soon as the employee knows of the need for absence. In no event shall notification occur later than one hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy, unless a justifiable excuse is presented. The City may require proof of illness or of the need for attending to a family member, and/or a doctor's release to return to duty at any time. Employees on sick leave for more than three consecutive days, or who show a pattern or other indication of sick leave abuse, may be required to present a doctor's statement upon return to work. Failure to present a doctor's statement when requested may result in the absence being considered Absence without Approved Leave.

Unused Sick Leave: Upon termination of employment for any reason, employees will not be paid for unused sick leave.

Policy # 806 Sick Leave Bank Policy

A sick leave bank is a pool of sick leave hours donated by eligible City of Breckenridge employees for the use of fellow employees who would otherwise have to take leave without pay. To apply for sick leave hours from the bank, an employee must be a member of the sick leave bank and must have used all of his or her own sick leave time, vacation, compensatory time, and unused holiday time. (See Sick Leave Bank Guidelines for more details on the administration of this program.)

Policy #807 Longevity Pay

The City of Breckenridge provides an additional benefit based on the length of time an employee works for the City called Longevity Pay. Longevity Pay is based on the following schedule:

Years of Service	Amount for Each Year's Service per pay period
1 – 4	$ 2.00
5 – 9	$ 2.50
10 - 14	$ 3.00
15 – 19	$ 3.50
20 +	$ 4.00

Policy # 808 Tuition Reimbursement / Employee Training

The City of Breckenridge encourages training and employee development programs for City employees, as well as succession planning within each department. These programs will be directed toward skill development, knowledge enhancement, enrichment and/or job performance improvement. Such training is recognized to be in the best interests of the employee and the City.

Supervisors shall work with employees to develop an individualized plan regarding any training and development opportunities and needs they feel would be beneficial to the employee's position and to accomplish future goals related to their job or an approved career path program. The City may offer training to employees, at City expense, that directly benefits the employee and his/her job performance for the City. Any expenses incurred by the City for education/training will be reimbursed by the employee – if employee chooses to leave his/her employment with the City prior to the 1 year anniversary of the education/training. Unless forgiven at the discretion of the City Manager. *(CC Approved 5-2-17)*

At such time as financially feasible, the City supports and may provide partial or full reimbursement for continuing education tuition, laboratory fees and/or other related fees to regular full-time City employees who successfully complete, with a grade of "C" or above, approved education at an accredited college, university or other institution of higher learning. City employees must satisfactorily complete their introductory period before being considered for this program. Employees must have prior authorization from the City Manager for tuition reimbursement purposes.

Policy # 809 Employee Communication

It is the policy of the City of Breckenridge to provide effective methods of communication to employees. Methods of communication may include, but are not limited to, postings on departmental bulletin boards, regular staff meetings, periodic employee meetings, e-mail, website postings, interoffice memos, and other communication plans.

Policy # 810 Exceptions

Any exceptions to the benefits or benefit levels described in these Benefit Policies require the advance approval of the City Manager and shall be documented in the employee's personnel records with the City Manager's signature.

CHAPTER 9
LEAVE OF ABSENCE

Policy # 900 General Leave of Absence

Authorized Leave without Pay

Authorized leave without pay means a temporary absence from an employee's duties without pay that is granted only in the City's sole discretion. In circumstances not falling within other provisions of this Manual, the City Manager may, upon recommendation from the appropriate department head, authorize an employee to take leave without pay under mutually agreeable terms, and only upon exhaustion of appropriate accrued leave benefits. The City Manager has the discretion to revoke authorization at any time. Discretionary leave without pay is granted only in rare circumstances.

Leave without pay may be granted for any legitimate purpose, including for recovery from temporary illness or disability, for educational purposes, and for personnel programs that emphasize intergovernmental relations. However, an employee will be obligated to show that the granting of this leave will not materially affect productivity within his/her department, and that he/she will be returning to City employment after the leave. The position of any City employee who is out on authorized leave without pay may be filled on an interim basis. All employee requests for authorized leave without pay shall be in writing, with sufficient detail, and shall be submitted to the department head for approval well in advance. An employee's absence without department head approval will be considered as Absent without Approved Leave.

Leave without pay may be granted for a period not to exceed 45 consecutive calendar days. If an employee does not return to work within three workdays of the agreed upon return date without notification, the employee shall be considered to have resigned. While out on authorized leave without pay, an employee shall remain eligible for health insurance benefits; however, the employee's portion of premiums shall be paid by the employee during this leave. No holiday, vacation leave and/or sick leave accrue during leave without pay.

Absence without Approved Leave

Absence without approved leave means an unauthorized absence without pay. An employee shall not be absent from job duties at any time without the prior approval of the employee's department head. An employee who fails to report to work or remain at work as scheduled without proper notification, authorization and/or excuse shall be considered absent without approved leave. The employee shall not be paid for the time involved and shall be subject to disciplinary action up to and including termination.

Absence without approved leave constitutes abandonment of job duties, which may result in termination. Any employee absent without approved leave for more than three consecutive workdays and who has not notified his/her department head of extenuating circumstances prohibiting the employee's prior notification, shall be considered to have resigned and may not receive pay for any accumulated benefits.

The City is authorized to investigate any sick leave claimed by an employee or to disapprove any sick leave claimed that is not properly substantiated. If it is determined that sick leave was used improperly or not properly substantiated, or if the employee fails to return to work after a doctor's release, the employee's absence shall be considered Absence Without Approved Leave and may result in disciplinary action.

An employee whose absence is due to an illness or injury without a definite return date, shall give notice on a daily basis to his/her supervisor or department head no later than one hour before the beginning of the employee's work shift, or as may be prescribed by departmental policy. Failure to provide this notice may result in the employee's absence being considered absence without leave and may subject the employee to disciplinary action.

Policy # 901 Family & Medical Leave Act (FMLA)

The federal Family and Medical Leave Act (FMLA) requires protected leave time for employees in certain situations.

In order to be eligible for FMLA leave, a City employee: (1) must be employed by the City for at least one year; (2) have worked at least 1,250 hours within the previous 12 months; and (3) be employed by a city that has at least 50 employees in the worksite that the employee works or within 75 miles of that worksite.

A. Eligible City employees are entitled to take up to 12 work weeks of leave during a rolling 12-month period, measured backward from the date leave, if used for the following reasons:

1. Birth of a child of the employee in order to care for such child (leave must be taken within a 12-month period after birth);
2. Upon the placement of a child with the employee for adoption or foster care (leave must be taken within a 12-month period after placement);
3. To care for the employee's spouse, child or parent who has a serious health condition;
4. When the employee is unable to work because of the employee's own serious health condition;
5. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active

duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

B. Servicemember Family Leave - Eligible employees who are the spouse, child, parent, or next of kin of a covered Servicemember are entitled to up to 14 weeks of additional leave during a single 12-Month Servicemember Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Servicemember Period, which begins on the first day of leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Servicemember Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Servicemember Family Leave may be limited to an aggregate of 26 weeks.

C. Definitions

1. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken.
2. "12-Month Servicemember Period" means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.
3. "Child" means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or stepchild. For purposes of a son or daughter on active duty or call to active duty contingency leave, or for Service Member Family Leave, the child may be of any age.
4. "Parent" means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
5. "Next of Kin" means the nearest blood relative of a Covered Servicemember.
6. "Covered Active Duty" means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
7. "Covered Servicemember" means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or, 2) a veteran

who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.

8. "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.

9. "Serious Injury or Illness" means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.

10. "Qualifying Exigency" includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and, 6) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.

11. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider.

D. The provisions for using FMLA leave are as follows:

1. An employee who has no accrued paid leave will receive unpaid family and medical leave up to a maximum of 12 work weeks (or 26 weeks if combined with Servicemember Family Leave time);

2. An employee will be required to use accrued paid leave (including paid vacation, sick leave, compensatory time and workers' compensation) for any part of a family/medical leave. When an

employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Servicemember Family Leave time).;

3. An employee who has more than 12 weeks (or 26 weeks if combined with Servicemember Family Leave time) of accrued paid leave may use the accrued paid leave over and beyond the FMLA time, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Manager. Time used beyond what is required by the FMLA is not protected by federal law, and the employee's job may or may not be held open during such unprotected time, at the discretion of the City Manager; and

4. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City.

E. Requests for FMLA leave must be made at least 30 days before the FMLA leave start date, when the need is foreseeable, and notice is practicable. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the City. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.

F. Medical and Military Certification - To be eligible for FMLA leave, proof of a serious health condition must be certified by a health care provider, as defined by the FMLA. The employee also may be required to submit periodic written status reports to the Human Resources Department during the leave.

1. <u>Certification of Serious Health Condition</u>: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the certification to the City.

Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.

2. Company May Require Second Opinion: The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.

3. Certification Related to Covered Active Duty or Call to Covered Active Duty: The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.

4. Certification for Extended Servicemember Family Leave: Employees requesting extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.

5. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

G. While on paid FMLA, vacation and sick leave will continue to accrue. If the FMLA leave is unpaid, vacation and sick leave will not accrue.

H. A City employee shall continue to receive health insurance benefits during FMLA leave. The City shall continue paying its portion and the employee shall continue to pay his/her portion of health insurance benefits, if applicable. Employee contributions will be required either through payroll deduction during paid leave or by direct payment to the City during unpaid leave. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.

I. Upon return on or before the expiration of FMLA leave, a City employee shall be restored to the employee's original job, or to an equivalent job with

equivalent pay, benefits and other terms and conditions of employment. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.

J. It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.

Policy # 902 Military Leave

The City of Breckenridge complies with the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and with Texas law affecting public sector employee's paid military leave. This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

A. Paid Military Leave. All regular full-time employees who are members of the military (e.g., active service, reserve units, National Guard or other official special military units) shall be granted paid leave for a maximum of 15 work days per fiscal year subject to the following conditions and in accordance with applicable State and Federal laws:

1. Employees preparing to take authorized military leave shall provide the City with as much advance notice as possible of their intent to take military leave and also shall furnish their department heads with copies of military orders or other appropriate certification within a reasonable time period.
2. Military leave pay shall not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
3. Travel time included in the orders shall be counted as military leave.
4. Military leave shall not be granted for a diagnosis or treatment of any service-connected sickness or disability, for obtaining or sustaining any disability rating or for treatment at any governmental facilities, but employees may use available sick leave.
5. Time required for physical examinations for selection or admission to the military service to determine or maintain a selected service rating or to

maintain a reserve status shall be counted as military leave. Pay shall be limited to the regularly scheduled hours lost.

6. Military leave time over and above the 15-day maximum allowed for paid leave must be taken as eligible accrued leave (i.e., compensatory time and/or vacation) or such leave shall be unpaid leave.
7. An employee is eligible for paid military leave beginning on the first day of City employment.

B. Unpaid Military Leave. In accordance with federal law, and after all paid military leave is exhausted, members of the Uniformed Services may serve a total of five years of active duty in the armed forces, and still be eligible for reappointment to his/her City position. However, temporary employees who have brief or non-recurrent positions with the Agency and who have no reasonable expectation that their employment with the Agency will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy.

1. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. In most cases, an employee who leaves City employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:
   - Is physically and mentally qualified to perform the essential duties of the position;
   - Was discharged, separated, or released from active military service under honorable conditions;
   - Provides documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the Agency if the military leave lasted more than 31 calendar days.
   - Has not been in active military service for more than five years; and
   - Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service according to the following schedule:

Length of Period of Service	Reapply No Later Than
Less than 31 days	Next regular workday after completion of service and time to travel from place of service to residence
More than 30 days, but less than 180 days	Fourteen (14) days after completion of service
More than 180 days	Ninety (90) days after completion of service

2. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was were continuously employed for purposes of determining benefits based on length of service, such as vacation accrual.

3. Rights to Continued Employment. Employees who serve in the military for more than six months will not be discharged by the City without cause for one year following the date of their reemployment. Employees who serve for between one and six months will not be discharged without cause for six months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.

4. Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

Policy # 903 Jury Duty

The City of Breckenridge recognizes the responsibilities of each individual to perform civic duties as called upon. Employees shall be granted job-protected paid jury leave when summoned for jury duty; however, it will not be considered time worked in the computation of any overtime.

The employee must notify his or her department head upon receiving a summons for which jury leave is requested. A copy of the summons or any other paperwork must be submitted to the employee's department head and attached to his or her timesheet.

All fees paid and expenses reimbursed by the court may be retained by the employee.

City employees shall report to work on any business day or partial day when the jury/court is not in session.

Policy # 904 Voting

With regard to voting, the City encourages all employees to fulfill their civic responsibilities by participating in elections; however, all City employees should make every effort to vote outside normal working hours. If City employees are unable to vote in an election during their non-working hours, the City shall provide employees paid leave for the number of hours necessary for the employee to vote during working hours.

Employees should request time off to vote from their supervisor/department head at least two working days prior to the election day so that necessary time off may be scheduled at the beginning or end of the work period, whichever provides the least disruption to the normal work schedule.

Policy # 905 Pregnancy Leave

Pregnancy is treated in the same manner as any other illness or temporary disability. An employee who becomes pregnant may continue to work until the date upon which she and her personal physician have agreed that she should no longer work. The employee must request a leave of absence, which shall include a statement of the employee's intentions concerning resumption of work. An employee shall be allowed six weeks off after delivery of a child before the employee would be expected to return to work, or as required by the Family and Medical Leave Act (FMLA), whichever is longer.

A pregnant employee may use accrued sick leave, vacation leave and/or compensatory time for this absence and is eligible in the same manner as any other leave of absence in a non-pay status, extension of sick leave, compensatory leave,

and any other leave employee benefit. The leave of absence may qualify under the FMLA. If the leave does not fall under FMLA, the employee may apply for a general leave of absence/authorized leave without pay.

Policy # 906 Bereavement Leave

The City allows all employees up to three days paid time off as bereavement leave to be granted in the event of death in the employee's immediate family. For purposes of bereavement leave, "family" includes a spouse, child, step-child, parent, parent-in-law, step-parent, brother, sister, step-brother/sister, brother/sister-in-law, aunt/uncle, grandchild, step-grandchild, grandparents, step-grandparents, 1st cousin of an employee, employee's spouse, or any person living in the employee's household. Bereavement leave shall be granted only upon the prior approval of the department head and at his/her discretion. Paid bereavement leave will not be considered time worked in the computation of any overtime.

Policy # 907 Limitations on Leaves of Absence

With the exception of leaves of absence for military or jury duty, no leave of absence or other period of inability or failure to perform full-duty work, by itself or in combination with other periods of leave, may last longer than six months. Any employee who for any reason or combination of reasons misses a total of six months of full-duty work in a 12-month period, or a total of nine months of full-duty work in an 18-month period, at the City Manager's discretion, may be separated from employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

The City will comply with the Americans with Disabilities Act (ADA) when additional, limited time off is necessary to accommodate an employee's disability, such leave is for a specified time period, the leave can be granted without undue hardship to the City, and the employee is otherwise qualified for the position.

CHAPTER 10
SAFETY

Policy # 1000 Safety

It is the policy of the City to comply with all applicable Federal, State, and local health and safety regulations, and to provide a work environment as free as feasible from recognized hazards. A City of Breckenridge Safety Program has been adopted. Employees are expected to comply with all safety and health requirements and are subject to discipline for failure to do so.

The City has a sincere concern for the welfare and safety of its employees and the public it serves. The City acknowledges its obligation as an employer to provide the safest possible working conditions for its employees and as a government service organization to provide a safe environment for the public.

Employees are required to report safety violations or unsafe conditions. The City will not retaliate against a City employee because that employee has instituted a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right afforded by law relative to workplace safety and health concerns.

Policy # 1001 Workers' Compensation

The City is covered by the Texas Workers' Compensation Act (the Act). Workers' compensation benefits will be paid in accordance with the Act. If an employee becomes disabled or otherwise unable to work because of a work-related injury sustained while on the job, the employee will be granted injury leave and will receive weekly compensation, as well as paid medical expenses, as determined by the Texas Workers' Compensation Commission.

An employee must report all work-related injuries to the employee's supervisor or department head immediately so that the required forms can be timely submitted to the State. Failure to provide the City with prompt notification may disqualify the employee from receiving benefits.

In the event of a work-related injury or illness, employees are covered by Workers' Compensation Insurance, instead of the City's group health insurance, which covers only non-work-related injuries and illnesses. During this injury leave, Worker's Compensation Insurance shall pay the employee benefits as prescribed by the Texas Worker's Compensation Act, which includes payment of all of the qualified employee's medical expenses and, under certain circumstances, disability pay. The City may allow payments to an employee for accrued time off to cover the first eight (8) days of non-

payment by the Workman's Comp insurance carrier for an employee's disability that resulted from a compensable, work-related injury. Upon receipt of the check for the eight-day period, the employee must return the check to the City.

Limitations on leave from full duty. The length of injury leave shall be established by a medical doctor, but in no case shall injury leave exceed 180 days in duration. An employee who misses a total of six months of full-duty work in a 12-month period, or a total of nine months of full-duty work in an 18-month period, will be separated from employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

Light Duty. As appropriate and available, the City will expect employees to return to modified or limited duty for work-related injuries or illnesses when an employee is unable to perform the essential functions of his or her current job. A doctor's release to return to modified and/or full duty shall be required before an employee may return to work. Time spent on light duty will not count as full-duty work for purposes of the City's limitations on leave.

CHAPTER 11
CITY PROPERTY

Policy # 1100 Use of City Equipment and City Vehicles

City equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees must exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Employees must promptly notify their supervisor or department head if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. An employee's driving record may be checked annually by the Human Resources Department.

City vehicles and heavy equipment will be used for official business only, and within the limits of traffic law and safety regulations. Each employee who drives a City vehicle or heavy equipment must be 18 years of age and possess a valid state driver's license, and/or, a CDL license if required for the particular vehicle. City employees will be personally responsible for any fines incurred as a result of driving or parking violations while driving a City vehicle.

Policy # 1101 Computer Use / Internet Use / Social Networking

It is the policy of the City of Breckenridge that in all cases only fully licensed software purchased and installed by the City will be used by City employees. Licensed means the City has purchased the required number of software licenses equal to the number of users.

The City's electronic communication and storage systems, which include, but are not limited to, the computer system and related equipment, Internet access, telephones and voice mail, wireless devices, emails, texts and instant messaging ("E-Systems"), is intended for official City business use. All data and information contained therein is subject to the Public Information Act.

The City provides E-Systems to its employees to assist and facilitate business communications and work-related research. These services are for legitimate business use only in the course of an employee's assigned duties. All materials, information and software created, transmitted, downloaded or stored on the City's E-Systems are the property of the City and may be accessed only by authorized personnel. Employees are reminded that they have no reasonable expectation of privacy in information created,

downloaded or stored on the City's E-Systems, and all such information remains the property of the City. The City reserves the right, at its discretion, to monitor, access, retrieve, intercept, read and delete any communication that is created on, received through, or sent from the E-Systems.

Employees who post material on social networking and other Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the City in any manner, whether during or after their working hours. On-line behavior, whether on or off duty, must not disparage, reflect badly upon, or misrepresent the City or its interests in any manner. This policy does not, however, prohibit employees from discussing wages, hours, and working conditions with coworkers and others while not at work. Harassing or disparaging coworkers through on-line posting violates this policy. The City has the right to monitor such sites and protect its interests.

Employees may use City systems to access the Internet for limited non-business use during meal time, so long as such personal use does not interfere with the job duties of the employee or coworkers, the personal use does not constitute social networking, and all other provisions of this policy are followed, which include, but are not limited to:

1. Inappropriate E-Systems usage includes: transmitting obscene, harassing, offensive or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; accessing, displaying, downloading or distributing any sexually explicit material; engaging in activities designed for personal profit; transmitting any of the City's confidential information.

2. The City reserves the right to monitor employee use of its E-Systems or the Internet at any time. Employees should not consider their Internet usage or e-mail communications to be private.

3. Any software or other material downloaded onto the City's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors or owners of the material. Prior authorization from the City Manager's office, or his/her designee, is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

4. Only authorized employees may communicate on the Internet on behalf of the City. Employees may not express opinions or personal views that could be misconstrued as being those of the City. Employees may not state their City affiliation on the Internet, unless required as part of their assigned duties. No employee shall send communications under another's name without authorization.

5. Any expense incurred as a result of personal use of the City's E-Systems must be reimbursed immediately.

6. Any violation of this policy may result in loss of computer access and disciplinary action, up to and including termination of employment.

Policy # 1102 Telephone and Mail Use

A City employee's personal use of the City's telephone equipment is restricted. When personal usage of City telephone facilities is unavoidable, City employees must properly log any user charges and reimburse them to the City. Personal long-distance telephone calls should normally be either placed by the employee's personal cell phone, collect or charged to the caller's home phone. Excessive use of the telephone for personal matters may result in disciplinary action, up to an including termination of employment.

City employees are not to use the City's address for receiving personal mail without prior approval of the department head and may not use City stationery or postage for personal letters. Personalized stationery and business cards may only be issued by the City. City employees should exercise care so that no personal correspondence appears to be an official communication of the City.

Policy # 1103 City Logo Use

It is the policy of the City to exercise due diligence to prevent misuse of its Logo or other approved logos representing the City, such as Police and Fire; the Logo will not be used without express written authorization of the City Manager.

Policy # 1104 Cell Phone & Pager Use

The City will issue cell phones or a reimbursement program to approved employees for business use, as necessary. Established guidelines on the acquisition and use of wireless service and equipment will be followed at all times. **Excessive personal cell phone use during work time is prohibited.** City-related emails and texts are subject to the Texas Public Information Act, even when sent or received on non-City devices. This policy applies to all City Departments, City employees, and its City representatives.

Cell Phone Use While Driving

The use of a cell phone while driving can cause distraction to the driver and can result in accident and injury. To maintain safety for our employees and others on the road, the use of any cell phone or other handheld device while driving a City vehicle is to be kept to a minimum. Texting while driving is strictly prohibited.

Policy # 1105 Material Salvage/Surplus

It is the policy of the City to sell or reuse materials to the City's best financial advantage. When material is removed from service on work orders or construction projects, such materials shall be returned to the City. The City Manager or designee shall determine what materials are no longer of value and shall be scrapped. Useful materials shall be returned to stock. No City employee may purchase materials from the City at less than market value. Materials determined to be of no value shall be disposed of without undue delay.

CHAPTER 12
GRIEVANCE, DISCIPLINE AND APPEAL PROCEDURES

Policy # 1200 Fair and Equitable Standards

It is the intent of the Discipline and Appeal Procedures to safeguard the rights of all employees, to ensure that all employee actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis. Although all employees remain employed on an at-will basis, the City will still strive to maintain these standards when possible.

Policy # 1201 Grievances

A grievance is an allegation regarding the violation, misinterpretation or improper application of a specific state or federal law, regulation, or City ordinance or policy provision. This does not include questioning the substance of policies or complaints regarding an employee's individual working conditions. An employee shall, within five working days of an incident when the employee could have become knowledgeable of the incident, present a grievance in writing to his/her Department Head. The Department Head shall respond to the grievance in writing within a reasonable amount of time. If the employee does not agree with the decision of the Department Head or fails to get a response from the Department Head, he/she may appeal to the City Manager within five working days. The City Manager shall respond to the grievance in writing within a reasonable amount of time. For appeals of disciplinary actions, see the procedures in Policies #1204 and 1205, below.

Policy # 1202 Pre-Clearance by Human Resources Department and/or City Manager

In all matters involving a written reprimand, suspension, demotion or termination, the Human Resources Department and/or City Manager shall be consulted prior to the implementation of such action in order to ensure equitable and consistent treatment of employees.

Policy # 1203 Types of Disciplinary Action

The City Manager, or his or her designee, may take disciplinary action against any City employee at any time it is deemed necessary. The severity of the discipline depends upon the nature of the infraction. The City reserves the right to terminate any City employee without resort to a progressive discipline system, or to begin at any point in the process.

A. In making a decision as to what type of discipline should be imposed, a Department Head should consider such factors as the type, frequency, and severity of the offense, the employee's work record, and any mitigating circumstances that may be relevant.

B. The following disciplinary actions are not exclusive and may be initiated against an employee for violations of these Policies and/or City or departmental rules and regulations:

1. Employee Counseling
   Employee counseling is designed to provide constructive feedback to the employee for infractions that need improvement. This type of action is generally of a non-disciplinary nature. A written notation of this session shall be maintained in the department and Human Resources personnel file.

2. Documented Oral Reprimand
   An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. A written record of this warning shall become a permanent part of the employee's personnel file.

3. Written Reprimand
   A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the violation recur. Included in the written reprimand shall be a statement of each specific violation of policy, the specific incident(s) causing the action, what changes in behavior are expected, what penalty shall be imposed if no changes are made by the employee and the right to appeal. The employee shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining supervisor/department head and the employee should sign the written reprimand. If an employee refuses to sign, the department head should so note on the report and initial the notation. Copies of the written reprimand and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file.

4. Unpaid Suspension
   A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his/her behavior during the suspension and to decide whether he/she wishes to correct the offending behavior or

terminate his/her employment. Departmental management may suspend a non-exempt employee without pay for a period of not less than one hour or more than ten working days for disciplinary reasons. Exempt employees should not be suspended for periods of less than one work week. Prior to suspending an employee, the Department Head shall confer with the Human Resources Department and the City Manager. Suspension for more than ten working days requires the written approval of the City Manager. The Department Head contemplating a suspension shall give written notice to the employee stating: (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within a specified time, (5) and the finality of the action if the employee fails to appeal within the specified time period. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing.

5. Demotion

Departmental management may demote an employee for a disregard or violation of these Policies and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an employee, the Department Head shall confer with the City Manager regarding the proposed demotion. Demotions may be either permanent or for a pre-determined specified period of time and may result in a reduction of salary. The Department Head contemplating a demotion shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing. The demotion documents shall become a permanent part of the employee's personnel file.

6. Termination

Prior to terminating an employee, the Department Head shall confer with the Human Resources Department and the City Manager. A Department Head contemplating a termination shall give written notice to the employee stating (1) the type of

disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Head shall make his/her final determination in writing. The termination documents shall become a permanent part of the employee's personnel file.

Policy # 1204 Procedures to Appeal a Written Reprimand

A. Any employee dissatisfied with any written reprimand received by that employee may file a written appeal to his Department Head within five working days of the action taken. In the event the Department Head has rendered the written reprimand, the employee may appeal the reprimand to the City Manager. A reprimand from the City Manager shall not be appealable.

B. The written appeal must be submitted to the Department Head and shall contain the following information:
   1. The type of disciplinary action being appealed and the effective date of the action;
   2. The specific reason the discipline is judged to be unjust or otherwise in error;
   3. The remedy or solution sought; and
   4. The signature of the disciplined employee.

C. A Department Head shall discuss the facts surrounding the disciplinary action with the affected employee. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Head. A Department Head, when possible, shall respond in writing to the employee, stating the disposition of the written reprimand within five working days of the discussion. The Department Head may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be appealed beyond the next level of authority.

Policy # 1205 Procedures to Appeal a Termination, Demotion or Unpaid Suspension

A. Any employee, other than a Department Head or other employee who reports directly to the City Manager, who is terminated, demoted or suspended without pay, shall have a right to appeal that decision to the City Manager. The right to appeal must be exercised within five working days of the date of the decision, by filing a written request with the City Manager and a copy to the Human Resources Department for a hearing. If the employee fails to appeal the decision of the Department Head in accordance with these provisions, the decision of the Department Head shall become final and non-appealable.

B. In the event an appeal is requested, the City Manager shall hear the appeal within a reasonable amount of time. The City Manager may sustain, reverse, modify or amend the action taken.

C. Any hearing conducted by the City Manager generally shall proceed as follows: City representative(s) shall be allowed to make a presentation of the City's case, explaining and detailing the reasons for the disciplinary action imposed. Such presentation may include the production of witnesses and/or documentation supporting the disciplinary action imposed. After the City's presentation, the employee or his attorney shall be permitted to ask questions and/or cross-examine witnesses. Thereafter, the affected employee or his attorney shall be permitted to make any statements or produce witnesses and/or documentation on the employee's behalf. After the employee's presentation, the City representative shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to ask questions and/or cross-examine witnesses. Both sides shall be permitted to make a closing statement, if desired. At any time during the hearing, the City Manager may ask questions of the City's representative(s), the employee and any witnesses. The hearing presentation or procedure referenced herein may be modified and there is no absolute right to any hearing procedure or presentation. Further, the failure to follow any hearing presentation or procedure referenced herein does not create any additional appeal rights.

Policy # 1206 City Manager's Review and Determination

Upon conclusion of the appeal hearing, the City Manager shall have a reasonable amount of time in which to make a determination. After reviewing evidence presented, the City Manager may sustain, reverse, modify or amend the action taken as he/she determines is just and equitable under all the facts and circumstances of the case.

Policy # 1207 "Working Days" Defined

"Working days," as referenced in this section, is defined as regular business hours, Monday through Friday, not including official City holidays. Time limits begin to run the working day following the incident, event, hearing or notice.

Policy # 1208 Time Limits

Any time limit specified in the procedures under this chapter may be extended by mutual agreement.

Policy # 1209 Inapplicability

A reduction in force is not an appealable or grievable personnel action and any employee separated from City employment as a result of a reduction in force has no right to appeal or grieve such separation.

An administrative leave with pay is not an appealable or grievable personnel action. Management reserves the right to suspend with pay pending the investigation of an incident.

EMPLOYEE ACKNOWLEDGEMENT
STATEMENT OF RECEIPT OF
PERSONNEL POLICIES AND PROCEDURES MANUAL

I hereby acknowledge being informed of The City of Breckenridge Personnel Policy and Procedure Manual ("Employee Handbook") that is on the City of Breckenridge website (www.breckenridgetx.gov). I have been given access to a City computer to review and/or print any part of or all of the Employee Handbook. I understand this Employee Handbook has been prepared for my use as a personal reference in answering questions that I may have about my job, the City of Breckenridge ("the City") and various work guidelines, programs and practices. I understand the contents of this Employee Handbook are presented to me for information purposes only.

The policies and procedures set forth in this Employee Handbook provide guidelines for management and employees during employment, but do not create contractual rights regarding termination or an expectation that the employee will be terminated for cause.

I understand and acknowledge that the language used in this Employee Handbook is not intended to create an express or implied contract between the City and any of its employees. I further understand and acknowledge that this is an **employment-at-will** relationship. I have been hired for an indefinite period of time and, just as I may voluntarily terminate my employment with the City any time, the City may terminate my employment at any time. I further understand and acknowledge that the City retains the right to change this Employee Handbook and any rules, regulations, policies and benefit plans unilaterally at any time without notice.

I acknowledge that in this handbook, I have read and understand The City of Breckenridge Code of Conduct and Ethics, as well as all other policies and procedures contained in the Employee Handbook.

This Employee Handbook supersedes all previous handbooks, manuals, and guidelines, as well as revisions to any previous handbooks, manuals, and guidelines regardless of my date of hire.

_____	_____
Employee's Name (PLEASE PRINT)	Payroll/HR Employee
_____	_____
Employee's Signature	Date

- COPY FOR PERSONNEL FILE -

Copy 1

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Employee's Name (PLEASE PRINT)	Payroll/HR Employee
_____	_____
Employee's Signature	Date

- COPY FOR EMPLOYEE'S FILE -

Copy 2