



CITY OF ABERNATHY

PERSONNEL POLICIES

Adopted February 11, 2014

CITY OF ABERNATHY PERSONNEL POLICIES

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Welcome to the City of Abernathy!

The City of Abernathy has a long history of providing excellent customer service to our citizens. It is the City's goal to continue this tradition and to place strong emphasis on professional customer service. In order to successfully continue serving our citizens, the City will maintain a supportive environment for our employees. The City is very proud of our employees and is happy to have you join us.

The City has prepared and adopted these personnel policies in order to help you get acquainted with your new surroundings. This manual is not a contract for employment, but rather a guide to help you understand the policies and procedures of the City. Hopefully, these policies will answer your many questions concerning the City. However, if you have a question that is not answered or you just need clarification, please ask your supervisor.

Again, welcome to the City of Abernathy!

1.00 GENERAL POLICIES

1.01 AUTHORITY.

These policies are established by the City Council. Any deletions, amendments, revisions or additions to the policies must be approved by resolution of the City Council.

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

In addition to these personnel policies, supervisors may establish rules and regulations that relate specifically to personnel issues under their control, subject to the approval of the City Manager, as long as they do not conflict with these policies. If there is a conflict, these policies or any future amendments to these policies shall control.

1.02 SEVERABILITY.

The provisions of these policies are severable. If any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect. Changes in state or federal law or regulations will supersede these policies from the effective date of the law or regulation forward.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES.

The City Manager is responsible for the administration of these personnel policies. The Administrator may delegate authority to appropriate staff members, to act on his or her behalf in the administration of these policies.

Final authority with regard to all personnel matters and subjects covered by these regulations is reserved to the City Council.

1.04 PURPOSE

These policies set forth guidelines for the City. They have been prepared and adopted in order to promote consistent, equitable, and effective practices for both employees and supervisors which will result in high quality public service to the citizens of the City of Abernathy. This personnel manual shall not be construed as altering the employment relationship established by state law or as creating a contract between the City of Abernathy and its employees. **All employees of the City of Abernathy are employed on an at will basis.** These policies are guidelines and are not intended to address all situations which might occur in the administration of the City's Administrative Services. They are subject to amendment by the City Council as circumstances require.

1.05 APPLICABILITY OF PERSONNEL POLICIES.

These personnel policies apply equally to all employees of the City unless a class of employees is specifically exempted by these policies.

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

1.06 DISSEMINATION OF PERSONNEL POLICIES.

The City Secretary shall maintain the official set of the personnel policies with all revisions for reference by employees. In addition, the City Secretary will provide a complete copy of these policies and copies of all subsequent revisions to each employee. If a question arises about a particular policy, the official set of policies should be consulted and will prevail.

Each City employee shall receive a copy of these policies and is required to read it carefully and to adhere to the rules and regulations stated herein. Within two weeks of employment, every employee is required to sign an acknowledgment stating that he has read and understood the policies contained in these personnel policies.

1.07 EQUAL EMPLOYMENT OPPORTUNITY.

It is the policy of the City of Abernathy not to allow discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on a person's race, age, religion, color, disability, national origin, or sex.

The City prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.

1.08 PERSONS WITH DISABILITIES

It is the policy of the City to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities; and the City will make reasonable accommodations for a qualified individual with a disability who is an employee or applicant for employment of the City.

1.09 CHANGES TO THESE POLICIES.

These personnel policies may be amended or revised or new policies may be added, at any time, with or without notice, upon the approval of the City Council. Employees will be notified by the City Manager of any changes to these policies as soon as practicable.

1.10 SEARCHES.

The City reserves the right to make general or random searches, without the consent of employees, of the City's property, such as vehicles, lockers, closets and desks for alcohol, prohibited drugs, drug paraphernalia, or any other item(s) that might be illicitly held or illegally in the employee's control or possession. Notice is hereby given that employees shall have no expectation of privacy as it relates to property owned or controlled by the City or while on duty for the City. (The use of any private locking mechanism related to City property shall be subject to removal by the City without notice.)

1.11 DRUG FREE WORKPLACE

The City of Abernathy is committed to the principal of keeping illegal drug use out of the workplace and society in general. Drug use in the workplace endangers fellow workers, public safety, employee morale, and production. Moreover, the Texas legislature has passed an act that requires

employers to adopt a Drug Abuse Policy. Accordingly, the following policy is implemented in accordance with the *Drug Free Workplace Act of 1988* to help insure and maintain a drug free, healthful, safe, and secure working environment.

DEFINITION OF DRUG. For the purpose of this policy the definition of a “drug” is expansive and includes, but is not limited to, any alcoholic beverages, intoxicants, inhalants, synthetic and illegal drugs.

POLICY. The unlawful manufacture, distribution, dispensation, possession, or use of a drug on City premises is absolutely prohibited. Violations of the Policy will result in disciplinary action, which, at the City’s discretion and depending upon the seriousness of the violation, may range from required participation in and successful completion of a rehabilitation program to termination of employment. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violator of this Policy.

In accordance with the *Drug Free Workplace Act of 1988*, as a condition of employment, employees must comply with this Policy, and notify their immediate supervisor within 5 days of the conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment. The City will in turn, as required by the Act, report such convictions within 10 days of learning of the conviction to the appropriate federal agency.

See, **Section 11 Health and Safety** of these policies for details of the guidelines and policies.

1.12 WEAPONS.

[RESERVED FOR EXPANSION]

1.13 SMOKING/TOBACCO PRODUCTS.

[RESERVED FOR EXPANSION]

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL

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

2.02 REQUESTS FOR CLARIFICATION.

In the absence of any request for clarification, the City will assume that each employee understands the responsibilities assigned to the position which he or she occupies as set out in the City’s job description for that job.

2.03 RELATIONSHIPS BETWEEN CO-WORKERS.

Relationships between coworkers must never affect an employee's job performance or interfere with activities in the workplace. Supervisors may not "date", have romantic associations with or otherwise have a personal relationship with a subordinate employee. For the purpose of this section a "supervisor" is defined as a city employee who either directly or indirectly is in a position to influence, control, promote, assign work to, discipline or otherwise affect the employment of another employee of the City. In the event a supervisor has been found to have violated this section, the supervisor and the subordinate employee may be subject to the entire range of discipline under these policies, up to and including termination from employment.

2.04 PROFESSIONAL APPEARANCE.

Employees of the City are hired to provide services to the citizens of Abernathy and to perform specific tasks in a professional manner. As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. Employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner appropriate for the job being performed. In the event the City provides an employee with a uniform, the uniform shall be worn during business in accordance with the supervisor's instructions.

2.05 TIMELINESS AND ATTENDANCE.

Employees are to be punctual in reporting for work at their designated work site and shall keep appointments, and meet schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not later than 30 minutes prior to the time the employee is scheduled to begin work, unless emergency conditions exist.

Failure to report within the required period is justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. If an employee is absent for medical reasons for three or more consecutive workdays, or if the employee has already used 64 hours of sick leave cumulatively during the calendar year, the employee may not return to work without a report from a doctor describing the period of the employee's illness and stating that the employee is released to return to work without limitation. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

2.06 CONFIDENTIALITY OF PERSONAL INFORMATION.

Each employee may choose whether the City discloses the employee's home address and telephone number and social security information to the public on request. If a new employee does not request confidentiality in writing, within the first fourteen (14) days of employment, this information is considered to be public information, with the exception of police officers, whose addresses and telephone numbers are not public information. Employees may change their elections for disclosure or confidentiality at any time.

2.07 GIFTS AND GRATUITIES.

A City officer or employee may not accept any gift of free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the City. See **Conflict of Interest** section below.

2.08 CONFLICT OF INTEREST.

Officers. An officer of the City will have neither financial interests in the profits of any contract, service, or other work performed for the City nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company except to the extent and in the manner authorized by Chapter 171 of the Texas Local Government Code.

Officers and Employees. An officer or employee may not:

- a. Solicit, accept or agree to accept a financial benefit, other than from the City, that might reasonably tend to influence his or her performance of duties for the City or that he or she knows or should know is offered with intent to influence the employee's performance;
- b. Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
- c. Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the City;
- d. Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City; or
- e. Solicit, accept or agree to accept a financial benefit from another person in exchange for having performed duties as a City employee in favor of that person.

Contracts. Specifically, with reference to contracts, no officer or employee of the City who exercises any functions or responsibilities in the review or approval of an undertaking or the carrying out of one of the City's contracts shall participate in any interest in the contract except to the extent and in the manner authorized by Chapter 171 of the Texas Local Government Code.

2.09 POLITICAL ACTIVITY.

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

An employee, in his or her official capacity, may not:

- a. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office;

- b. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose;
- c. Use funds provided by the State of Texas to influence the passage or defeat of any legislative measure in the Texas Legislature or the outcome of any election; or
- d. Use his or her working time or City resources to participate in a political campaign of another person for an elective position or for any other political purpose. This includes making political speeches, soliciting by telephone, distributing political literature, or writing or handling letters related to a political campaign or activity.
- e. In addition, any City employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) City employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or part by loans or grants by the federal government.
- f. All City employees are prohibited from participating in any way in any political activity while wearing a City uniform, regardless of whether the employee is on duty or on his or her own time. In addition, no City-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.
- g. An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.
- h. Violation of this policy is grounds for dismissal and/or disapproval of funding for the position occupied by the employee involved.

2.10 COMMUNICATIONS.

Communication with the public and the media about City issues or problems is the responsibility of the City Manager or employees designated by the City Manager. Employees are to refer members of the news media to the City Manager if a question is non-routine, controversial, or outside the scope of the employee's normal duties, and are to notify the City Manager of scheduled interviews with the news media.

2.11 SECRET RECORDINGS PROHIBITED.

Any employee, other than authorized law enforcement personnel, who wishes to record any conversation between the employee and any other City employee or officer, or between two or more other City employees must first notify the other person(s) of his or her intent to record the conversation or comments and ask the other person(s)' authorization to make the recording. Any

unauthorized recording of any conversation may be grounds for disciplinary action including dismissal. This provision does not apply to security equipment, or recordings made by the City of Abernathy.

2.12 SOLICITATION.

City employees are free to engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall not be made during the employee's working hours, and the employee must not either represent himself or herself as a City employee or wear a City uniform when engaged in non-city-sponsored fundraising solicitations.

2.13 TELEPHONE USE.

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

City employees and officials may not place personal long distance calls on City telephone equipment unless the charges will be billed directly by the telephone company to the individual's personal account or prior arrangements have been made for the employee to timely reimburse the City for the cost of the call.

If the City furnishes a City official or employee with cellular telephone service, any metered usage by the official or employee for personal calls must be paid personally by the official or employee on a monthly basis.

2.14 PURCHASING.

Purchases by City employees shall be made only as authorized by the City Council in accordance with the City budget shall comply with state purchasing laws and be approved by the City Manager. Employees shall be responsible for filing all receipts and purchase documents with the City Secretary.

The City of Abernathy's name or its tax exempt status shall never be used by any employee for his or her personal advantage on any purchase.

2.15 RESIDENCY

The Police Chief, City Manager, Municipal Judge and other department heads of the City which are appointed by the mayor or governing body of the City shall be required to live and reside within the municipal city limits as a condition of their employment.

Full-time City employees whose positions involve responding to civil emergencies are required to reside within a ten (10) minute one-way commute of the municipal limits and in no case shall such employees reside more than ten (10) miles from the City limits prior to the end of their probationary period as described in Section 5.02 of these policies.

3.00 USE OF CITY PROPERTY

3.01 GENERAL POLICY.

The City provides each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

3.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES.

General. Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Improper use and/or maintenance may result in disciplinary action.

City Property. City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal or political use of any City property, materials, supplies, tools, or equipment is permitted. Upon termination of employment, employees must return any City property in their possession. Failure to return all City property in the employee's possession may result in legal action by the City against the employee.

Vehicles. Some City of Abernathy employees are permitted to drive City vehicles home in the evenings and on weekends and to return to their work site in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the City vehicle's location and then to the work site. In these instances, the vehicle may not be used by the employee to conduct any kind of personal business unless the business is conducted while the employee is *en route* to or from his or her City work site.

3.03 VALID DRIVER'S LICENSE.

All operators of City vehicles are required to have the valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their supervisors informed of any changes of status in their licenses. Department heads or supervisors may conduct periodic checks of the driving records of all employees who operate City vehicles. An employee who is required to drive as an essential function of his or her job must maintain a driving record satisfactory to the City's general liability insurance carrier, or the employee will be restricted from driving and/or disciplined up to and including dismissal.

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

3.04 VEHICLE INSURANCE.

The City maintains up-to-date insurance coverage on all vehicles owned by the City.

3.05 ACCIDENT REPORTING.

Any employee operating City equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her department head and to the police department immediately.

Each vehicular accident, no matter how minor, must be reported to the police department so that an official accident report can be filed. Failure to notify the police department immediately may result in disciplinary action.

4.00 HIRING PRACTICES

4.01 METHODS OF RECRUITMENT AND SELECTION.

The City has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) competitive consideration of applicants for employment; and/or (4) selection from a valid current eligibility list. A valid current eligibility list is a list of applicants for the same or a similar position for which applications were sought within the last six months. The City Manager determines the method(s) of selection to be used in filling each vacancy.

The City may, if appropriate, advertise position openings in the official newspaper(s) of the City, on the City's website, public postings, through online employment exchanges or services, with the Texas Employment Commission, or any combination of thereof.

4.02 PUBLIC POSITION ANNOUNCEMENTS.

Public announcements of position openings at the City for which there will be competitive consideration may be disseminated by the City Secretary in the manner most appropriate for the particular position being filled, as determined by the City Manager.

Current employees may apply for positions for which they believe themselves to be qualified and will be given preference in employment decisions assuming their qualifications are essentially equal to outside applicants and the employee has a consistent record of good performance. If selected for the position for which he or she applied, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the range approved by the City Council for the transfer position and sufficient funds are available in the receiving department's budget.

The length of time during which applications will be accepted for a given vacant position will be determined by the City Manager or his or her designee in accordance with the circumstances that exist at the time.

4.03 PRIOR SERVICE WITH THE CITY.

Employees entering service with the City who have had prior service with the City may be considered for appointment above the customary entry salary level. A break in continuous service with the City forfeits any benefits accrued prior to the break. However, an employee reentering City employment may, as appropriate, be given credit for prior years of service, and his or her date of employment may be adjusted accordingly to entitle the employee to the appropriate level of any current benefits which are based on longevity.

4.04 QUALIFICATIONS.

The City maintains a job description which establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications required to fill the position.

4.05 SELECTION.

The City Manager has exclusive authority to select new employees, subject to approval by the City Council.

4.06 AGE REQUIREMENTS.

Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective City employee under 18 years of age must have written permission (a signed Minor's Release Form) from his or her lawful parent or guardian on file in the employee's personnel file prior to the first day of employment unless he/she has been legally declared an emancipated adult.

Other age limitations will be applied only as required by specific state or federal law applicable to the City.

4.07 APPLICATION FOR EMPLOYMENT.

Each person desiring employment with the City is required to submit an application on the City's official application form and other pertinent information regarding training and experience. All applicants shall be required to sign authorizations to release information regarding their employment history and driving record to the City. The City will make appropriate inquiries to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. The review may include a check of the applicant's criminal record. In the case of applicants for positions which require driving a vehicle, the City will check the prospective employee's driving record prior to offering the applicant employment.

4.08 EMPLOYMENT OF RELATIVES (NEPOTISM).

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City.

No person may be hired who is related within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council, the City Manager, or any other officer appointed by the City Council. No person may continue in City employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the City for a period of:

At least 30 days if the officer or member is appointed;

At least six months if the officer or member is elected.

In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

4.09 TESTING.

Except for drug and psychological tests for certified police employees and any other test that may be required by state law or these policies, the only performance tests administered for employment or promotion normally will be specifically job-related (“piece-of-the-job”) tests (e.g. typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples, etc.). The City may conduct pre-employment qualification testing for certain jobs. The tests vary based on the required qualifications for the particular position. Reasonable accommodations will be made for applicants with a disability if a request for such an accommodation is made in advance of a test.

4.10 PHYSICAL STANDARDS.

All prospective full-time, regular employees are required to undergo a drug test after a conditional offer of employment has been extended.

In addition, prospective new employees for active police officer certification may undergo an examination by a licensed psychologist or psychiatrist of the City’s choice which will be paid for by the City.

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a “need to know” has been clearly established.

4.11 VERIFICATION OF ELIGIBILITY TO WORK.

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

4.12 DISQUALIFICATION.

An applicant is disqualified from employment by the City if he or she:

- a. Does not meet the minimum qualifications for performance of the duties of the position involved;
- b. Knowingly has made a false statement on the application form;
- c. Has committed fraud during the selection process;
- d. Is not legally permitted to hold the position;
- e. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;

- f. Is not able to perform the essential functions of the position, with or without reasonable accommodation;
- g. Has failed to submit the application to the designated place or within the prescribed time limit; or
- h. Has failed to produce within three days of employment original legal document(s) that establish identity and employment eligibility.

4.13 PLACEMENT ON CITY PAYROLL.

New employees must report to the City Manager before or during their first day of employment to fill out employment forms.

4.14 ORIENTATION AND TRAINING.

Before an individual begins performing his or her actual duties, he or she will be given a brief orientation by the City Manager and the supervisor for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to better understand his or her job and the relationship of the job to the overall operation of the City. During the orientation, employees are given a copy of these *Personnel Policies* to read within two weeks and to keep, are informed of the policies continued availability to them and the reference locations, and are given information about the City benefit programs. Employees are required to sign a statement that they have read and understood the policies contained in these *Personnel Policies*.

5.00 TYPES OF EMPLOYMENT

5.01 CATEGORIES.

There are three categories of employment with the City:

Regular Full Time. A regular full-time employee is appointed to an authorized regular position that involves, on the average, 40 work hours per week. Regular full-time employees may be either hourly or salaried employees.

Temporary Full Time. A temporary full-time employee is an employee hired to work an average of 40 hours per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary full-time employees may be either hourly or salaried employees.

Part Time. A part-time employee is an employee hired to work an average of fewer than 40 hours per week. Temporary part-time employees are paid on an hourly basis.

ALL EMPLOYEES OF THE CITY OF ABERNATHY ARE EMPLOYED ON AT WILL BASIS. THESE POLICIES SHALL NOT BE CONSTRUED AS CREATING A CONTRACTUAL EMPLOYMENT RELATIONSHIP WITH ANY PERSON. NO

EMPLOYEE OF THE CITY OF ABERNATHY SHALL HAVE A PROPERTY INTEREST IN HIS OR HER CONTINUED EMPLOYMENT WITH THE CITY. ADDITIONALLY, NO OFFICER OR EMPLOYEE OF THE CITY (EXCEPT THE CITY COUNCIL ACTING AS A WHOLE) SHALL HAVE EITHER EXPRESS OR IMPLIED AUTHORITY TO MODIFY THE AT WILL EMPLOYMENT RELATIONSHIP.

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

5.02 PROBATIONARY PERIOD.

All new regular employees are probationary for a period of ninety (90) days.

Purpose. The probationary period will be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for dismissing any employee whose performance does not meet the required work standards.

During the probationary period, the supervisor reports to the City Manager on the employee's work, ability to perform the duties satisfactorily, attitude, habits, and dependability.

Dismissal. At any time during the probationary period, the City Manager may instruct the supervisor to dismiss a new employee if, in the City Manager's opinion, the employee is either unable or unwilling to perform the duties; or if the employee's dependability does not merit continuance of City employment; or for other reasons as provided elsewhere in these policies.

Completion. At the end of the ninety (90) day probationary period, each new employee shall receive a personal evaluation and interview by their immediate supervisor. At such time, the employee shall be informed of his/her progress. The City Manager or the employee's supervisor may extend the probationary period for one additional term of three (3) months.

6.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

6.01 PAYDAYS.

The pay period for the City is bi-weekly. Paydays are on Fridays. If the payday falls on a weekend or Holiday checks will be issued the last working day preceding the holiday or weekend.

6.02 CHECK DELIVERY.

Paychecks will not be issued other than on the days set out above without the City Manager's approval.

Paychecks are distributed to individual employees by their supervisors. Only the employee, or someone with prior written authorization from the employee, may receive the check in person.

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

Employees must bring any discrepancy(ies) in their paychecks (such as overpayment, underpayment, or incorrect payroll deductions) to the City Secretary's attention immediately, preferably before cashing the check. If the paycheck must be cashed before the error can be corrected, the employee should save the check stub for an earnings statement. If an employee does not understand how to figure his or her pay or how to read his or her check, help should be sought from the supervisor or the City Manager. Failure to report any discrepancy may result in disciplinary action.

6.03 PAYROLL DEDUCTIONS.

The following deductions made from employees' pay checks are either required by federal or state law or approved and authorized by the City Council:

- a. Required federal/state deductions:
- b. Federal Social Security and Medicare;
- c. Federal income taxes;
- d. Court ordered child support; and
- e. Texas Municipal Retirement System contributions;
- f. The portion not paid by the City of group health/medical and life insurance premiums for dependents; and other approved insurance policies;

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

7.00 WORK SCHEDULE AND TIME REPORTING

7.01 ADMINISTRATIVE WORKWEEK OR WORK PERIOD

Normal working hours shall be as established by the City Manager and the head of each department.

Work breaks of 15 minutes for each four hours worked during a work period may be available to each employee if the break does not interfere with City operations, but this time does not accumulate if not taken, and this time cannot be used to alter an employee's work hours. Breaks are a privilege and not to be abused. On-call duty is not paid, except for hours actually worked.

7.02 NUMBER OF HOURS TO BE WORKED.

The City Manager determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the City's budget.

7.03 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION).

Administrative, professional employees and police officers (if fewer than five (5) officers are employed) are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with pay to be in keeping with rules established by the U.S. Department of Labor. The salaries of these positions are established with this assumption in mind.

Extra hours worked by executive, administrative, and professional employees may be used as a factor in granting or denying paid leave other than vacation or *sick leave*.

7.04 OVERTIME WORKED.

The policy of the City is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. For example, in the event of an emergency, such as a natural disaster, employee(s) may be required to report to duty or to be available for duty throughout the duration of the emergency. **On-call duty is not paid for, except for hours actually worked.** Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA). In the City, this is 40 hours per seven-day workweek for all employees, except police department personnel.

7.05 OVERTIME COMPENSATION.

Nonexempt employees are compensated for overtime worked (defined as more than 40 hours of work in a seven-day period) by being given (listed in order of the City's policy preference):

- a. Payment at the rate of one and one-half times the employee's regular hourly rate; or
- b. Compensatory time off may be taken in lieu of paid overtime if approved by the City Manager.

7.06 COMPENSATORY TIME.

The City discourages the accumulation of compensatory time off at one and one-half times the number of hours worked because of the contingent financial liability this creates for the City.

Any compensatory time earned must be used within a reasonable period of time of the date the overtime was worked. As a general rule, no more than 30 hours of compensatory time (representing 20 overtime hours worked) will be allowed to accumulate for employees without the express written consent of the City Manager; and any compensatory time accrued should be used or paid within thirty (30) days of the date it was earned. Any accumulated but unused compensatory time in an employee's account at the time of termination will be paid in the employee's final paycheck.

7.07 OVERTIME AND HOLIDAYS WORKED.

The City's policy is that each employee receives a specified number of paid holidays per year, as set forth in an annual notice to employees stating which holidays will be observed in the coming year.

In most instances, if an employee is required to work on a scheduled holiday, he or she will be given an alternate day off.

Holidays are considered in the same manner as “hours worked” under FLSA for the purpose of determining when the employee has worked more than the maximum allowable hours and is therefore subject to overtime.

For additional information on holidays, see the chapter of these policies on **Holidays**.

7.08 OVERTIME AND LEAVE TAKEN.

If an employee is required to work extra hours during a work period (or workweek) in which he or she has used sick leave, vacation leave, or any other type of leave time (including scheduled holiday time off), the employee will be paid for the extra hours at one and one-half times the employee’s regular rate of pay. All authorized, paid leave time hours taken will count as “hours worked” under the Fair Labor Standards Act.

7.09 TIME REPORTING.

Non-exempt Employees must keep records of all hours worked and leave time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the City.

Time records must be signed by the employee. Time Sheets should be completed after each day’s work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

Each supervisor is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets.

8.00 BENEFITS

8.01 MEDICAL AND LIFE INSURANCE.

The City of Abernathy makes available group hospitalization and medical insurance coverage for regular full-time employees, their spouses and dependents. Each employee chooses the desired coverage, and the City pays a portion of the premiums, subject to the City Council approval and City financial resources. The other portion of the premium is deducted from the employee’s paycheck when applicable. The City does not pay for any costs of an employee’s dental or optional life insurance.

For regular full-time employees who were hired prior to June 13, 2011 and have continually maintained a full-time status, the City will pay 50% of dependant group hospitalization and medical insurance coverage. This provision is subject to change, including City Council budgetary approval or amendment and, is dependent on the City’s financial resources.

See section on **Continuation of Group insurance** for information on continued coverage after certain status changes.

8.02 PENSION/RETIREMENT PLAN.

The City of Abernathy is a member of the Texas Municipal Retirement System (T.M.R.S.), a non-traditional joint contributory, defined contribution plan. Membership in the retirement system is mandatory for all regular full-time employees (defined by T.M.R.S. as an employee who works in excess of 1,000 hours per year). Both the employee and the City contribute to the employee's retirement account. Employees who leave City employment prior to retirement will, after filing a request with T.M.R.S., be refunded their portion of the retirement account plus interest earned on their portion.

Upon termination, employees with fewer than five (5) years of creditable service may also choose to leave their deposits in the Retirement System for up to five years. During this five-year period, the member will continue to earn interest and maintain membership in the retirement system. If an employee who is less than 59 ½ years old applies for a refund of accumulated deposits, the member may face tax liabilities for early withdrawal of a tax-deferred retirement account.

Employees who have been employed for five (5) years or more, "vested" employees, may leave their accumulated contribution in the Retirement System, remain members of the Retirement System, and upon reaching age 60, apply for a service retirement benefit. An employee will not, however, receive the City's matching contributions unless the member reaches retirement eligibility and applies for a service retirement benefit.

Retirement benefits are determined by a formula that involves life expectancy at the time of retirement, the amount deposited in the employee's account, the future interest rate assumption as set by law, and which of the benefit payment plans the employee selects. Each eligible new employee receives a brochure about the City's specific retirement coverage and options under T.M.R.S. at the time of employment.

All employees of the City are covered by Social Security and full time employees are covered by TMRS.

Additional information about retirement is contained in the **Separations** chapter of these policies.

8.03 EDUCATION AND TRAINING.

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals, and lodging.

8.04 WORKERS' COMPENSATION.

All employees of the City are covered by the workers' compensation insurance program, and the City pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the sections of these policies under the main heading **Health and Safety**.

8.05 UNEMPLOYMENT INSURANCE.

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

8.06 LEAVE TIME.

Regular full-time City employees are eligible for holidays, vacation leave, sick leave, and other types of leave time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of these policies under the main headings **Leave Time** and **Holidays**.

9.00 LEAVE TIME

9.01 DEFINITIONS.

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

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

Abandonment of Position. Unauthorized absence from work for a period of three consecutive working days will be considered as a resignation. Unless the City Manager determines otherwise, the resignation is not in good standing, and the employee is not eligible for reemployment.

9.02 APPROVAL OF LEAVE.

All leave taken by City employees must be approved in advance by the employee’s supervisor or the City Manager.

Supervisors are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, supervisors are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet.

9.03 VACATION LEAVE.

All regular full-time City employees are eligible to accrue paid vacation leave. Employees are encouraged to take regular vacations at least annually. After the completion of the first year of employment, 40 hours of vacation leave are credited to all full-time employees’ accounts.

Vacation Leave Accrual Rates. Regular, full-time employees may earn vacation leave as follows:

Length of Service	Employee’s Vacation Leave Earned
1 year	40 hours
2 years	80 hours
10 + years	120 hours

Temporary employees and part-time employees do not earn vacation leave.

Accumulation of Vacation Leave. Vacation leave not used during the year in which it accrues shall not accumulate nor carry over to any succeeding year. Any unused vacation leave balance at the end of the year will be paid to such an entitled employee at his or her regular rate of pay.

Payment for Unused Vacation Leave Upon Separation.

When an employee leaves the service of the City, he or she may be paid for any unused vacation leave in his or her account at the time of separation. The rate of pay will be determined by the salary rate in effect at the time of termination.

Scheduling Vacation Leave.

Supervisors should encourage their employees to schedule vacations and request leave well in advance. Vacation schedules must accommodate the City's work schedule; supervisors are responsible for establishing vacation schedules for employees in their departments. If the desired leave schedules conflict with City requirements, the City's requirements are given first consideration. A vacation leave request in excess of ten (10) working days must be submitted by the employee at least three weeks in advance and must be approved by the Supervisor. An employee may take earned vacation leave in increments of four (4) hours or more.

Use of Vacation Leave. Regular, full-time employees are charged with eight hours of vacation leave for each full day they are absent on approved vacation leave. Use of vacation leave for less than full day(s) or full shifts is recorded in increments of four (4) hours or more.

A regular employee placed in unpaid leave of absence in excess of ten (10) calendar days during the year preceding his or her anniversary date will have the vacation benefit for that anniversary reduced on a proportionate basis.

9.04 SICK LEAVE.

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

Personal illness or physical or mental incapacity;

Medical, dental, or optical examinations or treatments;

Medical quarantine resulting from exposure to a contagious disease; or

Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren), or any other relative of the employee who resides in the employee's household and requires the employee's personal care and attention.

Accrual and Use of Sick Leave.

Regular full-time employees are entitled to paid sick leave after completion of three (3) months of employment. At that time, twenty-four (24) hours are credited to a regular full-time employee's

account. After the three (3) months full-time employees accrue sick leave at the rate of one (1) hour for each twenty (20) hours actually worked. Employees do not earn sick leave while out on unpaid leave of any type for the entire pay period. Temporary and part time employees do not earn sick leave.

Notification Requirements. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one workday in advance. In all other instances, the employee must notify his or her supervisor 30 minutes prior to their normally scheduled workday, unless emergency conditions exist, and must request that approval of sick leave be granted.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and may result in disciplinary action against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave.

Use of Sick Leave. Regular, full-time employees are charged with a regular work day of sick leave for each full day they are absent on approved sick leave. For employees who are exempt from FLSA under the executive, administrative, or professional categories, no deduction is made from salary for a partial day's absence on approved sick leave.

Excessive use of sick leave without adequate justification may result in disciplinary action, including dismissal.

Medical Statement. The employee's supervisor or the City Manager may request, and the employee must provide upon request, written verification by a physician of medical disability precluding availability for duty at any time that sick leave benefits are requested.

Accumulation of Sick Leave. Sick leave not used by regular employees during the year in which it accrues, accumulates and is available for use in succeeding years up to a maximum of 720 hours for regular full-time employees, except that for regular full-time employees who are required to work a regular 12-hour shift with a minimum of 7 shifts per pay period may accumulate up to a maximum of 756 hours. **Annually, on the employee's anniversary date, any sick leave balance in excess of the maximum is reduced to the maximum without compensation.**

Exhaustion of Sick Leave. An employee who has exhausted accrued sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. This may be done only with the approval of the City Manager. No advance of unearned sick leave benefits will be made for any reason.

Cancellation Upon Separation. No employee shall be compensated for unused sick leave upon separation of employment with the City. In the event a former employee returns to work with the City in a regular full-time position within one calendar year of separation, the previously accumulated sick leave shall be reinstated, not to exceed the maximum accumulation allowable for that position.

9.05 ADMINISTRATIVE LEAVE.

The City Manager may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

9.06 INJURY LEAVE.

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, see the sections in these policies under the main heading **Health and Safety**.

9.07 MILITARY LEAVE.

Regular employees who have completed the probationary period and are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time, seniority, or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed fifteen (15) days in any one federal year. Employees will continue to receive pay from the City. Military leave in excess of fifteen (15) days will be charged to vacation leave or leave without pay.

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

Requests for approval of military leave must have copies of the relevant military orders attached.

9.08 JURY DUTY/CITIZENSHIP LEAVE.

Employees are entitled to civil leave for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting.

When an employee has completed civil leave, he or she must report to the City for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

9.09 FAMILY AND MEDICAL LEAVE.

Eligible Employees. To be eligible for family leave, an employee must have been employed continuously by the City of Abernathy for at least the previous 12 months and have worked at least 1,250 hours during those 12 months in a regular position. This policy applies equally to male and female employees. Temporary employees are not eligible for family leave.

Eligible Circumstances. An eligible employee is entitled to 12 unpaid workweeks in any 12-month period for three reasons: (1) birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement); or (2) a serious health condition of a spouse, child or parent; or (3) the employee's own serious health condition.

Limitations/Restrictions. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the City. However, leave for serious

health conditions - either of an eligible family member of the employee or the employee - may be taken intermittently or on a reduced schedule if medically necessary, provided the other conditions of these policies are met.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick, vacation, or personal leave on the books at the time the family leave commences, the employee must exhaust those leave balances before being eligible for unpaid family leave. Once the employee's leave balances have been exhausted, the City will then provide enough unpaid family leave to total 12 weeks. During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

Notice. In the case of leave for birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as practicable. In the case of leave for a serious medical condition, if the leave is foreseeable, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations.

Certification of Condition. An employee requesting a paid or unpaid leave of absence for extended illness or temporary disability must submit to the City Manager a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties or a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide the City Manager with a written statement from the employee concerning his or her intentions about returning to work at the City. An employee on family leave must contact the appropriate supervisor at least once each workweek to report on his or her condition. The City may also require subsequent re-certifications as reasonably needed. Failure to provide required medical status reports is grounds for disciplinary action.

Return to Work/Assurances. After completion of an approved family leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period.

However, should the employee decide, at any time after family leave begins, that he or she will not return to work at the City, the employee must reimburse the City for health coverage premiums paid by the City on behalf of the employee during the family leave period unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or something else beyond the employee's control.

Retention of Benefits. An employee on family leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave. After returning to work from family leave, an employee receives an adjusted employment date and adjusted anniversary date which reflects the period of time the employee was on unpaid family leave. The adjusted date will be used for the purpose of calculating leave accrual and any other benefits based on longevity.

Summary of Act. The City has posted a summary of the Family and Medical Leave Act on a central bulletin board for employee's information.

Request for Extension of Family and Medical Leave. If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension granted will be under the terms set out in the section of these policies headed **Other Leaves of Absence Without Pay.** Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

Documentation. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files and which will be kept confidential to the extent allowed by law.

10.00 HOLIDAYS

10.01 GENERAL POLICY.

Definition. Holidays are days designated by the City when City offices are closed on what otherwise would be regular business days.

Holidays Observed. Paid holidays are established each year by the City Council. The City Council will establish the Holiday schedule prior to the beginning of each fiscal year. The following may be observed as paid holidays for full time employees:

New Year's Day

Martin Luther King Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day and the Friday following Thanksgiving

Christmas Eve and Christmas Day

Employees who are members of religious faiths which celebrate widely recognized religious holidays that are not also City holidays may substitute one or more of those days for one or more of the holidays listed above.

Temporary employees and part-time employees are not paid for holidays except for holiday hours actually worked.

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

10.02 WORK DURING HOLIDAYS.

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an “around the clock” operation. With the approval of the City Manager or supervisor, some or all employees may be directed to report for work on a holiday.

The City’s policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In a department requiring around-the-clock operation, the City Manager or supervisor:

May designate an alternate day off for the employee if the holiday falls on the employee’s regular day off or if the employee is required to work all or any part of a holiday; or

With the approval of the City Manager, may pay an employee an extra day’s pay, in addition to his or her regular pay for the holiday, for each holiday worked. The rate for this compensation shall be at the employee’s regular daily rate and shall not be considered overtime.

10.03 HOLIDAY DURING VACATION.

If an official holiday falls within a regular employee’s vacation, the employee will be granted the holiday and not charged for a day of vacation.

11.00 HEALTH AND SAFETY

11.01 SAFETY POLICY.

It is the policy of the City to make every effort to provide healthful and safe working conditions for all of its employees.

11.02 EMPLOYEE RESPONSIBILITIES AND REPORTS.

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

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor within 24 hours. The supervisor is responsible for filing all accident reports immediately with the City Secretary.

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

11.03 EMPLOYEE SUGGESTIONS.

Employees shall report immediately to their supervisors any condition that in their judgment threatens the health and safety of employees or visitors.

11.04 ON-THE-JOB INJURIES.

Insurance. The City provides workers compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work for more than seven days because of a bona fide, on the job, work-related injury.

Notification. The employee who is injured on the job must report it to his/her supervisor as soon as possible following the injury.

Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The City requires statements from the attending physician of medical condition and of release to return to work. An employee may be required to submit to examination by an independent physician as determined by the City Manager at the City's expense.

Compensation. If an employee sustains a bona fide, on the job; work-related injury which renders him or her unfit for performing the duties of the job, the employee will receive pay from the workers' compensation insurance group.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive either additional holiday pay or other holiday benefits.

Injury leave begins on the first scheduled workday of disability and continues until the employee returns to work, or is released by physician to return to work.

Continuation of Group and/or Dependents' Medical Insurance. The City will continue to pay the City's portion of the employee's group medical insurance for a period of time not to exceed 180 days for an employee on injury leave. To continue group and/or dependents' medical insurance after the 180th day on which the employee is on injury leave, the employee must pay both the employee's and the City's portions of these insurance premiums.

Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, acts of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

Reporting Requirements. While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the appropriate City supervisor, who passes the report along to the City Manager.

Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the appropriate supervisor. In addition, the injured employee must contact his or her supervisor at least once a week to report on his or her condition.

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

Upon receipt of a release to return to work, the City may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position, with or without reasonable accommodation. If the employee cannot perform the essential functions of the position, or if the employee is a qualified individual with a disability and he or she cannot perform the essential functions of the position with or without reasonable accommodation, the employee will be terminated. The City's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

Final Release or Settlement. At the time of final release or settlement of a workers' compensation claim, the employee must furnish the City with a certificate from the employee's physician stating the status of the employee's physical condition.

11.05 DRUGS AND ALCOHOL .

An employee under the influence of drugs or alcohol on the job poses serious safety and health risks, not only to the user but also to all who come in contact with the user. The benefits to be derived from reducing the number of accidents and of the greater safety of all the employees, justifies the guidelines the law requires of the City.

The following policy has been adopted to implement the City of Abernathy's desire to establish itself as a Drug-Free Workplace. In all instances where reference is made to alcohol, drugs, or other controlled substances, the references include intoxicants, inhalants, and synthetics.

General. All employees of the City are notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace of the City of Abernathy. In addition, the City prohibits employees from being under the influence of alcohol, drugs, intoxicants, synthetics or inhalants in the workplace or while on duty for the City. Employees who violate this policy will be subject to immediate dismissal.

Notification. Each employee of the City will abide by the terms of this policy and will notify the City of any arrest or conviction for a violation of a drug law no later than five (5) days after the arrest or conviction. Any employee so arrested or convicted for a violation of a drug law will be subject to serious disciplinary action up to and including immediate dismissal.

The City will notify any funding agency so requiring within ten (10) days after receiving notice from an employee under the above paragraph or otherwise receiving actual notice of such conviction.

Guidelines. Violation of the following guidelines may result in immediate termination:

- a. The sale, purchase, use, possession, or reporting to work under the influence of intoxicants, including alcoholic beverages, non-prescribed narcotics, hallucinogenic drugs, marijuana, inhalants, synthetics or other non-prescribed controlled substances while on duty or on the property of the City.
- b. The sale, purchase, use and possession of equipment, products and materials which are used, intended for use or designed for the use with non-prescribed controlled substances while on duty or on the property of the City.
- c. Reporting to and being at work with a measurable quantity of intoxicants, including alcoholic beverages, non-prescribed narcotics, hallucinogenic drugs, marijuana, inhalants, synthetics or other non-prescribed controlled substances while on duty or on the property of the City.
- d. The operation of any City owned vehicle or equipment, while on or off duty, while under the influence of alcohol, non-prescribed narcotics, hallucinogenic drugs, marijuana, inhalants, synthetics or other non-prescribed controlled substances.

Drug Testing. An employee may be requested to undergo a blood test, urinalysis, “breath-analyzer” test or other diagnostic test to determine whether an employee has within his/her person any alcohol, intoxicant, non-prescribed narcotic, hallucinogenic drug, marijuana, inhalants, or other non-prescribed controlled substances. Failure to submit to the required testing will result in disciplinary action up to and including immediate discharge. The City will conduct drug testing:

- a. Upon application and prior to becoming an employee, and as a condition to becoming an employee of the City.
- b. Upon receiving any promotion as an employee of the City.
- c. At any time such person is involved in any accident or near miss while on duty for the City.
- d. When there is reason to believe, in the opinion of the City management, that an employee is under the influence of intoxicants, including alcoholic beverages, drugs, or narcotics, while on the property of the City at any time, or that an employee has reported to work with a measurable quality of intoxicants, including alcoholic beverages, drugs, or narcotics in his/her blood or urine.

Any employee testing positive for drug use is subject to the full range of discipline up to and including immediate termination.

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Drug Searches.

- a. The City may conduct unannounced searches for alcoholic beverages, non-prescription narcotics, hallucinogenic drugs, marijuana, inhalants, or other non-prescribed controlled substances upon the City property or any of the City vehicles. Employees are expected to fully cooperate in conducting such searches.
- b. An employee's consent to a search is required as a condition of employment and continued employment, and the employee's refusal to consent may result in termination even for first refusal.
- c. Searches of City facilities and property may be conducted at any time, and do not have to be based on reasonable suspicion.
- d. Where there is a reason to believe, in the opinion of the City management, that an employee is under the influence of intoxicants, drugs or narcotics, or is in the possession of any intoxicants, narcotics or equipment, products or materials which are used, intended for use, or designed for use with non-prescribed controlled substances, the City may request that the employee submit to search by the City representatives of his/her person and/or property located on City property.

An employee's refusal to submit immediately upon request to a search of his/her person and/or property may result in immediate termination of employment.

Prescription Drugs. The use of prescribed narcotic or hallucinogenic medication while on duty for the City or operating a City-owned property shall not be allowed without the prior consent of the employee's immediate department head.

12.00 DISCIPLINE

12.01 GENERAL.

In the event of employee misconduct, the City Manager or designated supervisor, following consultation with an employee's supervisor may take appropriate disciplinary action. Some employee behaviors or actions that may result in disciplinary steps include, but are not limited to, the following:

- a. Insubordination;
- b. Absence Without Leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure.
- c. Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;

- d. Use of Alcohol or Drugs while on duty, in a City vehicle, on City property, or while representing the City of Abernathy.
- e. Alcohol or Drug Abuse while on duty which may affect the performance or safety of the employee or other person(s);
- f. Unauthorized Use or Theft of Public Funds or Property;
- g. Possession of Unauthorized Firearms or Lethal Weapons on their persons while on duty, or in City vehicles, or on City property;
- h. Falsification of Documents, Records or Reports;
- i. *Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- j. Unauthorized or Abusive Use of Official Authority;
- k. Violation of the City's Sexual Harassment policy;
- l. Failure to Observe the City's Policies Regarding Communications with the public (see Communications section in Employee Responsibility chapter);
- m. Incompetence or Neglect of Duty;
- n. Disruptive Behavior which impairs the performance of others; or
- o. Other violation of any of the Requirements of these Personnel Policies or any departmental policies not in conflict with these policies.

12.02 PROGRESSIVE DISCIPLINE.

The City may take disciplinary action, including dismissal, affecting an employee at any time. The severity of the discipline depends upon the nature of the infraction. The City may, but not necessarily will, use a progressive discipline system as follows:

- a. **Oral Warnings**
- b. **Written Reprimands**
- c. **Reduction in Pay** without demotion; an employee's pay for continued performance in the same position may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed 60 days;
- d. **Suspension** from duty, with or without pay;
- e. **Demotion**; or
- f. **Separation by involuntary dismissal.**

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

Effect. Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial official personnel actions.

13.00 Sexual Harassment

Purpose, Responsibilities and Actions

Sexual Harassment, either physical or verbal, is a violation of state and federal laws which may subject the individual harasser to civil and criminal liability.

13.01 DEFINITION.

Sexual Harassment is any repeated or unwanted verbal or nonverbal sexual advances, sexually explicit derogatory remarks, or statements made in the workplace which the person making such actions or statements knows or should know are offensive or objectionable to another; which causes another discomfort or humiliation; or which interferes with job performance; and which includes the following:

- a. Submission to the conduct is either an explicit or implicit term or condition of employment, or,
- b. Submission or rejection of the conduct is used as a basis for employment decisions affecting the employee, or,
- c. The conduct has the purpose or effect of substantially interfering with work performance, or creating an intimidating, hostile or offensive work environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that lowers morale and therefore interferes with work effectiveness.

13.02 POLICY.

The City will maintain a workplace free of sexual harassment or intimidation.

CONDUCT IN VIOLATION OF THIS POLICY IS NOT WITHIN THE COURSE AND SCOPE OF EMPLOYMENT AND MAY SUBJECT THE PERSON PARTICIPATING IN SUCH CONDUCT TO CRIMINAL PROSECUTION. THE CITY WILL NOT TOLERATE SUCH CONDUCT ON THE PART OF ANY OFFICERS OR EMPLOYEES. A FINDING OF SEXUAL HARASSMENT CAN

RESULT IN A WARNING IN THE HARASSER'S PERSONNEL FILE, TRANSFER, DEMOTION, SUSPENSION WITH OR WITHOUT PAY, OR TERMINATION.

13.03 RESPONSIBILITY.

a. Supervisor's Responsibility:

Each supervisor has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual treatment. Each supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment.

b. The Employee's Responsibility:

Any employee who believes he or she has been subjected to harassment prohibited by this policy should immediately tell the harasser to stop his or her unwanted behavior and immediately report that behavior as outlined below:

- i. An employee who believes that he or she is being harassed should report the incident(s) to his or her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where it is not practical to report the incident(s) to the immediate supervisor (such as where the supervisor is unavailable or where the allegation of misconduct involves the supervisor) the employee may instead report the incident(s) to the City Secretary or the City Manager within forty-eight (48) hours of the alleged incident.
- ii. If an employee becomes aware of harassing conduct, regardless of whether such harassment directly affects that employee, the employee should immediately report that information to a supervisor or the City Manager.

c. The Administration's Responsibility:

It is the responsibility of the City Manager to inform supervisors and employees of the policy concerning sexual harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation is made.

- i. The City Manager shall respond to all complaints in accordance with this policy.
- ii. The City Manager shall prohibit retaliation of any kind against employees who, in good faith, bring sexual harassment complaints or assist in investigating complaints.
- iii. The City Manager shall hold all employee complaints in strict confidence except to the extent necessary to investigate and prosecute the complaint or unless disclosure is required by state law.

13.04 PROCEDURE FOR COMPLAINT.

All complaints will be immediately forwarded to the City Manager.

a. **Complaint To Be In Writing:**

The individual alleging sexual harassment must provide details of the alleged conduct in writing in order for the City to pursue the complaint. The complaint shall also be signed by the individual alleging sexual harassment. If the complainant refuses to provide details sufficient to allow the City to properly investigate the complaint, the matter may or may not be further investigated by the City. The determination as to whether to further investigate shall be at the discretion of the City Manager and the City Attorney.

b. **Investigation:**

Immediately upon receipt of a complaint of sexual harassment, the City Manager will conduct a thorough investigation to determine if sexual harassment has occurred or if any policy has been breached. If such investigation confirms the allegation, appropriate disciplinary action up to and including dismissal will be taken. Any evidence deemed relevant may be considered during the investigation and review of the complaint including but not limited to:

- i. Nature and seriousness of the complained action;
- ii. The effectiveness and advisability of counseling;
- iii. Any contribution on the part of the complainant.
- iv. Previous substantiated sexual harassment allegations against the respondent.

c. **Suspension During Investigation:**

If the circumstances warrant, the respondent may be suspended with or without pay for a period not to exceed two (2) weeks, pending a complete investigation.

d. **Respondent's Written Answer:**

After the City Manager has completed the initial investigation, the respondent will be given a copy of the complaint filed against him or her and shall be informed of the seriousness of the allegation. The respondent will have the opportunity to respond to the allegation in writing within forty-eight (48) hours after receipt of a copy of the complaint. In the event the respondent requires additional time to prepare a response, the respondent may request additional time from the City Manager. A request for additional time may not be unreasonably denied.

e. **Decision:**

Following receipt of the respondent's answer and the completion of any additional investigation, a written decision will be delivered to the complainant and the respondent. The decision may include, but should not necessarily be limited to, no adverse personnel action, counseling, admonishment, reprimand, transfer of department, demotion, suspension with pay, suspension without pay, and/or termination of employment.

- f. Records of a Sexual Harassment Complaint Kept Separate:
All records concerning a sexual harassment complaint shall be kept in a locked file in the Personnel Department. Access shall be only with the City Manager's approval to parties who have a direct and relevant need to know, unless access is otherwise required by state law.

14.00 SEPARATIONS

14.01 TYPES OF SEPARATIONS.

All separations of employees are designated as one of the following types:

- a. Resignation;
- b. Retirement;
- c. Reduction in Force;
- d. Dismissal;
- e. Disability; or
- f. Death.

14.02 RESIGNATION.

An employee who intends to resign must notify his or her supervisor, in writing, of the date on which he or she wishes resignation to be effective. This notification should be given at least ten (10) working days prior to the employee's last day of employment. The supervisor is responsible for notifying the City Manager within 24 hours.

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

The City, at its option, may elect to accept a resignation immediately.

14.03 RETIREMENT.

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice, minimum thirty (30) days, is required to start retirement payments promptly.

See the sections of these policies under the main heading of **Benefits** for additional information on retirement.

14.04 REDUCTION IN FORCE.

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

When a regular employee who has completed the probationary period is dismissed as a result of a reduction in force, he or she will be given a minimum of two weeks' written notice and paid in full to the time of discharge including accrued benefits. In addition, the City department head will attempt to guide the employee to any available suitable job openings in the area for which the employee qualifies.

14.05 DISMISSALS.

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

14.06 DISABILITY.

In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the City to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the City, the employee will be separated from employment with the City.

14.07 DEATH.

If a City employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death. If probate is not opened, the legal heirs may apply for payment and shall be requested to provide proper indemnification and execute all documents deemed necessary by the City to receive payment of any earned and payable benefits or wages.

14.08 CALCULATION OF SEPARATION PAY.

Upon separation from City employment in good standing (without cause), a regular employee who has completed at least twelve (12) months of continuous employment will be paid for accrued unused vacation leave up to the maximum allowable accumulation limit.

Accrued Leave. The total work time and allowable vacation (see section on **Vacation Leave** to determine allowable vacation) and compensatory leave time for nonexempt employees will be calculated as a total number of hours for which compensation is due and paid at the employee's regular hourly rate in effect at the time of termination. The employee's regular hourly rate will be determined for most employees by dividing the employee's regular annual salary amount by 2080 hours per year.

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

Compensatory time for nonexempt employees, which has been entered and carried on the employee's records at one and one-half times the number of hours worked, will be paid at a rate of time and one-half for the total number of hours on the employee's compensatory time record.

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

Final Pay. The employee will receive his or her final paycheck on the next regularly scheduled payday following his or her last day of employment.

14.09 DOCUMENTATION/EXIT INTERVIEWS.

Reason(s) for a separation are stated in writing, signed by the City Manager, and except in unusual or emergency circumstances, initialed by the employee. The City Manager shall discuss with the employee the reason(s) for the separation in an exit interview whenever possible. The exit interview record is important and may be instrumental in determining the City's liability, or lack of liability, for unemployment insurance costs.

14.10 CONTINUATION OF GROUP INSURANCE.

The federal *Consolidated Omnibus Reconciliation Act of 1985 (COBRA)* provides individuals with the option of continuing group health insurance coverage, under specified conditions and at the individual's full expense, beyond the date on which the insurance would otherwise terminate. A booklet from the City's group insurance carrier is given each employee at the time of employment which explains these options under the City's carrier at the time the employee is hired. Subsequent revisions in group insurance coverage are explained in subsequent booklets distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the City of any change in family status: separation, divorce, or a child becoming ineligible for dependent coverage. If the change would cause the employee or a covered dependent to become ineligible for City-supplemented group insurance, the City will provide a "Continuation of Coverage Election Form" to be completed by the appropriate person(s). Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

15.00 JOB DESCRIPTIONS AND PERFORMANCE EVALUATION

15.01 JOB DESCRIPTIONS.

The City Manager shall establish and periodically review a job description for each position in the City.

15.02 DISTRIBUTION.

During the employee's orientation, the job description and performance evaluation form for each employee's position will be (1) given to the employee, (2) reviewed by the employee, and (3) copies placed in the employee's personnel file along with a certification that the employee has reviewed them.

15.03 REQUESTS FOR CLARIFICATION.

In the absence of any request for clarification, each employee is assumed to understand the responsibilities assigned to the position which he or she occupies.

15.04 EMPLOYEE PERFORMANCE EVALUATION.

Supervisory personnel conduct a written performance evaluation of and an evaluation interview with each City employee as scheduled by each department supervisor, the City Manager, or when requested by the employee as feasible.

Performance evaluations have the primary purpose of improving the employee's understanding of his or her progress on the job and the department head's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation. Performance evaluations provide a required opportunity to assess progress and to plan for future performance improvements, but should never replace day-to-day communication between department head and employee regarding performance expectations and actual performance.

The performance evaluations are used for development purposes in identifying strengths and weaknesses and making plans for future performance improvements. Additionally, performance evaluations will be used when considering any pay increases for employees.

Performance evaluation records are maintained in each employee's personnel file.

16.00 PERSONNEL FILES

16.01 GENERAL.

Personnel records, except medical records, are maintained in a central location by the City Secretary.

Public Information. Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Manager, or by an employee authorized to do so by the City Manager. The City shall keep records for accessing personnel files.

Confidential Election of Employee. Each employee may choose whether the City discloses the employee's home address, telephone number and social security number to the public on request. If a new employee does not request confidentiality, in writing within the first fourteen (14) days of employment, the home address, telephone number and social security number on file are considered public information, with the exception of peace officers, whose addresses and telephone numbers are not public information. A form for designating this information as confidential or public is available from the City Secretary's office.

Employee Rights to Personnel File. An employee or his or her representative designated in writing may examine the employee's personnel file upon request during normal working hours at the City Secretary's office. The employee may request copies of items or materials in his or her personnel file, but may not remove anything from the file.

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

16.02 CONTENTS OF PERSONNEL FILES.

An employee's official personnel file may contain at least the following:

- a. An employment record;
- b. A copy of the employee's application for employment/resume;
- c. A copy of the employment offer and letter of acceptance, if applicable;
- d. I-9 form;
- e. A signed copy of the employee's acknowledgment of having received and reviewed a copy of the Personnel Policies;
- f. Employee's job description(s);
- g. Election to Disclose or Keep Confidential Home Address, Home Telephone Number and Social Security Number Form;
- h. Records of any citations for excellence, awards for good performance, or job-related training/education;
- i. Records of disciplinary action(s);
- j. Performance evaluations;
- k. Any other pertinent information having a bearing on the employee's status; and
- l. Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

Medical Records. An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing. Medical records are maintained in separate confidential files.

17.00 PROFESSIONAL DEVELOPMENT

17.01 GENERAL POLICY.

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

17.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES.

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees, hotel costs, and/or airline or other public transportation costs. See additional information in the sections of these policies under the main heading **Travel and Subsistence**.

17.03 PROFESSIONAL MEMBERSHIP AND SEMINARS.

Subject to the prior approval of the City Manager, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work and proper authorization is obtained in advance.

18.00 TRAVEL AND SUBSISTENCE

18.01 GENERAL POLICY.

The policy of the City is that employees are to be reimbursed fully for necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel. All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformity with adopted policies, provided that the travel was properly authorized and that funds are available in the department's budget. In some cases, the City may prepay such expenses as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

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

Travel expenses will be reimbursed for travel within the continental United States only, unless specifically approved by the City Manager. Travel time should follow the most cost efficient method available by commercial air travel. Employees electing to use other means will be reimbursed only to the extent that total costs do not exceed those which would have been available by commercial coach air travel.

18.02 SUBSISTENCE EXPENSES.

Employees engaged in necessary and authorized travel in the conduct of City's business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct business for the City. Reimbursable subsistence expenses will generally be for food, registration, lodging, official business telephone calls, parking, tolls, taxi, and reasonable gratuities. The City pays only the single room rate for hotel/motel rooms. If a double room is required, the employee will pay the difference between the single and double room rate. If two employees share a double room, the double room rate is allowable. Under certain circumstances, when the City is host to other jurisdictions, or when special facilities are required, the cost of a suite may be authorized as an allowable expense. The maximum per diem rates and expenses will be calculated in accordance

with the Travel Reimbursement Rates published by the Texas Comptroller of Public Accounts for the year in which they are expended. (refer to website - cpa.state.tx.us).

18.03 PERSONAL VEHICLE.

Where use of a personal vehicle is judged to be the most reasonable means of transportation to conduct official City business, reimbursement will be at the maximum rate allowed by the Internal Revenue Service for personal vehicle use for business purposes. Employees are expected to report the shortest distance between point of departure and destinations for all travel. Travel between an employee's residence and the City office is not eligible for reimbursement.

18.04 EXPENSE REPORT.

As soon as an employee returns from a trip, or at least within five (5) days of the date the travel was concluded, he or she must complete an expense report form documenting any actual expenses incurred on the trip which were not prepaid directly by the City to the entity involved. The City will issue a reimbursement check to the employee for allowable out-of-pocket expenses. All reimbursements must be approved by the City Manager.

18.05 EXCEPTIONS.

Employees who receive monthly automobile allowances are not eligible for mileage reimbursements for travel within the Abernathy area. Employees who travel in a City-owned vehicle will be reimbursed for documented fuel costs, oil, or other expenses related to the safe operation of the vehicle which were necessary during the course of the employee's use of the vehicle.

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

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

18.06 PROHIBITED EXPENDITURES.

Costs of personal entertainment, spouses' expenses, amusements, social activities, alcoholic beverages, traffic citations, or illegal activities are not allowable for reimbursement. There may be instances in which business or conference social activities beneficial to the City are allowable expenses. Such instances must be approved by the City Manager after consultation with the City Attorney.