



City of Huntsville

Policy and Procedures Manual

06/01/2024

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1.01 Preface

- A. The greatest asset of our City is the potential of our employees. Recognition and enhancement of this asset are of material benefit to the community and also fulfill a moral obligation to each employee. The City's intent is to work with all employees as respected individuals, ensure they are competitively compensated, politically unencumbered, and supported by the Administration and the City Council. Our success may well be measured by the extent to which our efforts give meaning and dignity to our employees lives, as reflected by their work and community relationships.

- B. As the City has a responsibility to its employees, so the employees have a responsibility to the City. The welfare of both depends upon the ethical and effective way employees complete their responsibilities. To encourage a sense of responsibility, a spirit of confidence, and an attitude of cooperation among our employees is a primary administration goal. The City recognizes the value of individual employees and provides the essentials which will enable them to achieve the maximum satisfaction in their careers. In turn, individual employees are expected to recognize that their own satisfaction derives from loyal, ethical and conscientious service in the performance of their duties.

1.02 Authority

These policies apply to and govern all employees of the City of Huntsville, unless otherwise restricted or governed by State or Federal law or City Charter.

- A. These policies supersede all existing policies and are effective and binding upon all employees, regardless of hire date. Continued employment with the City constitutes conclusive acceptance of the terms of these policies. These policies, including any modifications, are prepared for informational and guideline purposes only and do not constitute a contract (either express or implied) in any respect between the City and its employees.

- B. Employment with the City is at-will and either the employee or the City may terminate the relationship at any time for any reason not contrary to law.

- C. This removal power is subject to any exceptions in the applicable provisions of the City Charter. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees. Nothing in this policy manual is intended to change or modify the at-will status of City employees or to create or confer any property rights or expectations of continued employment to any employee.

- D. The failure of the City to follow or comply with any provision of this policy shall not constitute grounds for nor form the basis of any action or cause of action, either civil or criminal, arising from employment with the City.

1.03 Purpose

The purpose of this manual is to provide a consistent guide to personnel actions involving City employees. It is not intended to give specific guidelines for every conceivable personnel action, but rather to be a guide in ensuring that decisions are consistent, and in accordance with the desires of the City. The circumstances of any particular case or matter may warrant a deviation or exception in the application of this policy; where such circumstances justify an exception, the City Manager is authorized to do so. The objectives outlined in this manual include the following:

- A. Promotion of increased efficiency and economy in the service of the City.
- B. Provision of equal employment opportunity to all qualified applicants to enter and advance in City employment on the basis of demonstrated merit and fitness as determined through consistent and equitable methods of selection and promotion.
- C. Development of a program of recruitment, advancement, and tenure, ensuring City service as a career path, encouraging employees to strive for excellence in performance.
- D. Establishment and maintenance of a uniform plan of classification and compensation based upon duties and responsibilities performed in the service of the City.
- E. Promotion of highest ethics among City employees through the provision of good working relationships, uniform administration of policies, opportunities for advancement, and consideration of employee welfare.

1.04 Policy Maintenance

The Director of Human Resources represents the City Manager with regard to routine administration of all phases of this policy. The Director of Human Resources shall monitor these policies and make every good faith effort to ensure compliance through departments not only with the letter but also with the spirit of this policy. All policies outlined in this manual are subject to the review and approval by the City Manager.

- A. These policies will be distributed to all City employees and will be published on the City's website. Employees are responsible for compliance with all policies in this manual and with any and all revisions.

- B. Department Directors have authority and are responsible for the proper and effective administration of these policies within their departments. Directors are encouraged to maintain at least one paper copy of this manual for employee reference in their departments.

- C. Department Directors may develop and implement written department procedures or practices which are in addition to and not inconsistent with the policies listed in this manual, and subject to Human Resources review. Human Resources has responsibility to review employment related departmental policies prior to implementation.

- D. These policies may be changed or amended within the statutory and personnel administrative authority granted by law, the Code of Ordinances, specifically Ordinance 2015-15, or City Charter to the extent necessary to more effectively and efficiently promote the interests of the organization. Any new rules, regulations, or policies issued or updated in accordance with this section will supersede these regulations and are fully binding on all employees. Any provisions, terms, or conditions described in these policies may be changed, and continued employment with the City constitutes acceptance binding on all employees. Such new policies will, upon adoption, be set forth in writing and be made available to all employees and published on the City's website.

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2.01 Equal Opportunity

- A. The City of Huntsville is committed to equal opportunity in any recruitment, examination, appointment, training, promotion, retention, discipline, and any other aspect of personnel administration without regard to age, race, sex, national origin, religion, disability veteran status, or any non-job related factor.
- B. Age or physical disability may be considered if one of these factors constitutes a bona fide occupational qualification for a position necessary to the proper and efficient operation of the City.
- C. All administrators, supervisors, and employees share a responsibility in establishing and maintaining work environments free of discrimination for all employees.

2.02 Americans with Disabilities Act

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

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

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

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

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3.01 Authorized Positions

- A. Positions are created and authorized through the budget and approval process by the City Manager with City Council approval. Generally, positions are approved annually during the annual budget adoption process.
- B. Initial employment and subsequent advancement for these approved positions shall be based on approved or required examinations, merit, knowledge, skills and abilities, and physical fitness, where appropriate.

3.02 Types of Positions

- A. Regular full-time positions are those in which the required workweek is scheduled to equal or exceed 40 hours and there is no pre-specified end time for the position.
- B. Regular part-time positions are those in which the required workweek is scheduled for less than 40 hours and there is no pre-specified end time for the position. Regular part-time positions which are budgeted or scheduled for 1000 hours per year or more, or for which employees in those positions work or are scheduled to work for 1000 hours or more are required to participate in the Texas Municipal Retirement System (TMRS). Regular part-time positions that are planned and budgeted to work less than 1000 hours per year are required to contribute to Mission Square deferred compensation program.
- C. Temporary full-time positions are those in which the required workweek is scheduled to equal or exceed 40 hours for a specified period of time, generally not to exceed six months. Extension of time beyond the six (6) months requires City Manager approval.
- D. Temporary part-time positions are those in which the required workweek is scheduled for less than 40 hours for a specified period of time, generally not to exceed six months.
- E. Seasonal positions are those in which the required workweek is for a specified period of time when the work increases due to the time of year (season).

3.03 Processing of Vacancies

- A. All vacancies are reviewed for position control to ensure opening availability and processed through Human Resources.
- B. All vacancies will be posted for at least five (5) business days according to current procedures. Selected promotional opportunities and related vacancies may be posted solely for internal applicants. Internal postings will be posted for a minimum of three (3) business days.

3.04 Applications

- A. Applicants must complete an official application of employment with the City for each and every position for which they are applying, and submit any required ancillary documents. Current employees applying for another position must complete an internal employment application. Applicants may be defined as potential employees, former employees, and current employees seeking other positions or promotional opportunities.
- B. Applications from qualified applicants will be reviewed, processed and forwarded to departments. Incomplete applications or applications without required ancillary documents attached may be disqualified from consideration.
- C. Applications from previous employees who were involuntarily separated from the City (unless through a reduction in force) will not be considered without prior approval from the City Manager.
- D. Applications from previous employees who voluntarily separated from employment will be considered if demonstrated prior service was acceptable and employees left in good standing. Rehired employees are subject to the conditions of employment and benefits of a newly hired employee, except where specifically stated otherwise or required by law.
- E. If City of Huntsville retirees receiving TMRS benefits are rehired, the TMRS rules will apply.
- F. Applications are accepted for budgeted, vacant and approved positions only, unless specific approval is granted by the City Manager.

3.05 Minimum Hiring Ages

- A. Except for certain seasonal position (such as lifeguard or pool cashier), the minimum age for hiring is 18 for general positions and 21 for police uniformed services.

3.06 Pre-Employment Testing

- A. Selection of employment is contingent on successful completion of any and all background screening and pre-employment testing for certain positions and may include any or all of those items identified below. Screenings or verifications for certain positions may be conducted on both new employees, rehired employees and those transferred or promoted.
 - 1. Verification of education and experience
 - 2. Verification of certification or licensing

3. Physical exam
4. Physical agility exam
5. Psychological exam
6. Polygraph exam
7. Drug and/or alcohol screening
8. Criminal history verification
9. Credit history verification
10. Driving record verification
11. Name search verification
12. Reference verification

3.07 I-9 Requirements

Federal law requires that all prospective employees complete an I-9 form on or before the first day of employment. Prospective employees must provide originals or certified copies of the required documents verifying United States citizenship or legal authorization to work in the United States within three (3) days of employment.

3.08 Non-Qualifying Driving Records

- A. Applicants and employees who are required to drive as part of their job duties must meet and maintain the following criteria in order for initial and continued employment:
 1. No more than three moving violations in any rolling twenty-four (24) month period.
 2. No more than three at-fault accidents in any rolling twenty-four (24) month period.
 3. No DWI / DUI convictions for any employee for the past three (3) years, unless otherwise prohibited by law or certification requirements.
 4. Employees who are required to maintain their driver's licenses in good standing while employed and have their licenses suspended for any reason, will be released from employment unless their licenses are restored within thirty (30) days, as they will no

longer be able to perform the essential functions of the job. During the thirty (30) day period, duties may be restricted or denied.

- B. The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties for the City, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City, as well as carry the required insurance coverage on their privately owned vehicle while used for City business.
- C. Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check.
- D. When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

3.09 Background Check Policy and Procedure

All offers of employment at the City of Huntsville are contingent upon clear results of a thorough background check. Background checks will be conducted on all final candidates. In addition, the City of Huntsville has the right to conduct background checks on promoted employees as deemed necessary.

Background checks will include:

- *Social Security Verification*: validates the applicant's Social Security number, date of birth and former addresses.
- *Name Search Verification*: validates the applicant's name as presented.
- *Prior Employment Verification*: confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire. This verification will be run on the past two employers or the previous five years, whichever comes first.
- *Personal and Professional References*: calls will be placed to individuals listed as references by the applicant
- *Educational/Licensing/Certification Verification*: confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received plus any licenses and certifications held.
- *Criminal History*: includes review of criminal convictions and probation.
- *Motor Vehicle Records*: provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the

position. *Please refer to section 3.08 Non-Qualifying Driver records in the Policy and Procedures Manual for guidance.*

- Credit History: confirms candidate's credit history. This search will be run for positions that involve management of City funds and/or handling of cash or credit cards.

Procedure:

Final candidates must complete a background check authorization form and be given a Summary of Rights under the Fair Credit Reporting Act (FCRA) and return the authorization form to Human Resources. The City of Huntsville will follow the requirements pertaining to the FCRA.

Human Resources will order the background check upon receipt of the signed authorization release form, and an employment screening service will conduct the checks in accordance with the FCRA.

Human Resources will perform a total, comprehensive review of information received in the background check. In instances where negative or incomplete information is obtained, the appropriate management and the director of Human Resources will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. At this point Human Resources will initiate the requirement of FCRA requiring a notice to the applicant that the City intends to make a decision based upon the background report. City is obliged to send a copy of the report, a description of their FCRA rights, and a reasonable opportunity to respond to any incorrect information.

If a decision not to hire or promote a candidate after the above steps are taken the offer will be rescinded and notification will be made to the applicant or employee.

- The following factors will be considered for the applicants with a criminal history:
 - The nature of the crime and its relationship to the position.
 - The time since the conviction.
 - The number (if more than one) of convictions.
 - Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

Type of Offense and Recommended Action:

The following notes the severity of offenses and how long they are generally considered relevant. The information below is only a guide. All offenses of any nature will be reviewed and considered as stated based upon the offense as related to the position being filled.

Offense	Time	Recommended Action
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Felony	Within 7 years	Do not hire
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1. If the felony is relevant to the position for which the applicant is being considered.
2. Categories that are relevant to most positions include:
 - a. Theft-related
 - b. Drug-related
 - c. Injury to person(s)
 - d. Weapons
 - e. Threats
 - f. Damage to/destruction of property

Misdemeanor	Within 2 years of	Do not hire
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1. If the misdemeanor is relevant to the position for which applicant is being considered.
2. Categories that are relevant to most positions include:
 - a. Theft-related
 - b. Drug-related
 - c. Injury to person(s)
 - d. Weapons
 - e. Threats
 - f. Damage to/destruction of property

**Pending or Deferred
Adjudications i.e., the final
Disposition is still
Pending or the original
Charge has not been
Dismissed.**

Within 3 years

Do not hire

1. If the offense is relevant to the position for which the applicant is being considered.
2. Categories that are relevant to most positions include:
 - a. Theft-related
 - b. Drug-related
 - c. Injury to person(s)
 - d. Weapons
 - e. Threats
 - f. Damage to/destruction of property

As a reminder the above offenses are just a base line to help in the decision-making process. There are additional offenses that may be just as relevant again depending on the nature of the position being filled.

IV. Selection and Job Offers

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4.01 Selection

Selection of individuals for interview should be made based on job-related criteria in all cases. Job-related criteria should at a minimum, include possession of the necessary knowledge, skills, abilities and education to be successful in the position. The City reserves the right to select individuals for positions based on those who are best suited for the positions, consistent with all acceptable legal requirements.

4.02 Nepotism

No person who is related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to the Mayor, members of the City Council or Appointed positions shall be initially appointed to any office, employed in any position, or service of the City.

This prohibition shall not apply to an incumbent employee who has been continuously employed by the City for at least thirty (30) days prior to the appointment or hiring of the public official to whom the employee is related. Additionally, this prohibition shall not apply to an incumbent employee who has been continuously employed for six (6) months prior to the election of the public official to whom the employee is related (see sections 14.10 of the City Charter).

City policy also prohibits the employment of, promotion of, or transfer of any individual to work in a position where a relative of the employee (as defined in the charts below), has indirect or direct supervisory responsibilities over the person, or where the relative occupies a position that has influence over the person's employment, promotion, salary administration, and other related management considerations. Relatives may not work in the same department or budget division; this can be waived on a case-by-case basis by the City Manager or his designee with special consideration given to seasonal or part-time positions of a temporary nature.

In the event persons who are already employed in the same department marry (to include Common Law Marriage), become related through marriage, or begin sharing living quarters with one another, the Department Director in consultation with the Human Resource Director, will determine if continued employment is appropriate for the employees. If in judgement of the directors, potential problems exist or reasonably could exist, only one of the employees will be permitted to remain employed with the City, unless a job reassignment can be made to eliminate the potential problem. Such reassignment will be made only if a vacant position exists, and the employee possesses the skills and qualifications to perform the job. Continued employment shall not be approved if either employee has supervisory responsibilities over the other employee or if one employee occupies a position that has influence over the other's employment, promotion, salary administration, and other related management considerations.

Affinity (Marriage Relationships, including Common Law Marriages)

First Degree

Husband
Wife
Father-in-law
Mother-in-law
Sons-in-law
Daughters-in-law
Stepsons
Stepdaughters

Second Degree

Sisters-in-law
Brothers-in-law
Spouse's Grandmothers
Spouse's Grandfathers
Spouse's Granddaughters
Spouse's Grandsons

Consanguinity (Blood Relationships)

First Degree

Mother
Father
Sons
Daughters
Adopted sons
Adopted daughters

Second Degree

Brothers
Sisters
Grandmothers
Grandfathers
Grandsons
Granddaughters

Third Degree

Great-grandfathers
Great-grandmothers
Aunts
Uncles
Nephews
Nieces
Great-grandsons
Great-granddaughters

Notwithstanding any relationship prohibited by Section 14.10 of the City Charter, all existing circumstances of Consanguinity or Affinity that exists as of the date of this policy adoption shall be "grandfathered", unless by virtue of promotion or transfer circumstances change, and at that time, all provisions of this adopted policy shall apply.

4.03 Job Offer

- A. Job offers are initiated by the department and approved by Human Resources. Supervisors will conduct the reference checks prior to making the conditional job offer. Conditional job offers should be delivered after verification of references by the hiring department.

- B. After the conditional job offer is made, applicants must successfully complete verification of education, experience, driving record, physical and psychological exams, drug screens, criminal background checks and other related criteria, depending on the requirements of the position.

- C. All job offer salaries are subject to approval by Human Resources prior to discussions with

applicants regarding conditional job offers.

4.04 Hiring Pay Rate for External Applicants

- A. Applicants whose education and experience meets the minimum qualifications will be hired at the minimum of the pay range.
- B. Applicants whose education and experience exceeds the minimum qualifications may be hired above the minimum of the range, based on the criteria listed below.
 - 1. The applicant's higher qualifications may warrant higher pay.
 - 2. Hiring above the entry salary will not disrupt current internal equity and salary relationships. Department Directors have authority to approve up to step two (2) with written justification of the areas the applicant exceeds the minimum requirements to be submitted to Human Resources. Human Resources will recommend salary offers above step two (2) for approval by the City Manager.
 - 3. Funds are available.
 - 4. The action is in the best interest of the City.

4.05 Hiring Pay Rate for Promotions

- A. Applicants who are current employees and for which this is a promotional opportunity, will receive an increase to the closest step (rounded up) providing 5% salary increase or the minimum of the range, whichever is greater, unless the employee has previous experience and clearly exceeds the minimum requirements, in which case the starting salary guidelines above may be applied. This date of promotion will affect any tenure raise date or performance review date. Police and Fire promotions are governed under the affected classification schedules.

4.06 Hiring Pay Rate for Lateral Transfers

- A. Applicants who are current employees and for which this change is a lateral transfer, same grade, will retain tenure raise dates unless the duties of the job change substantially based on review by Human Resources. Their salaries will remain the same.

4.07 Hiring Pay Rate for Demotions

- A. In the case of a demotion where the new position is of a lower grade, the employee's salary may be reduced. Applicants who are current employees and for which this is a voluntary or involuntary demotion, will retain tenure raise dates unless the duties of the job change substantially based on review by Human Resources. Department Directors

may use starting salary guidelines to justify salary offers in the case of demotion. If the employee's salary exceeds the maximum of the new pay range, the pay will be reduced to the maximum of the new pay range. In the case of an administrative demotion in lieu of layoff, salary will be determined in conjunction with Human Resources.

4.08 Employee File Maintenance

- A. Human Resources maintains official employee, or personnel files, in the Human Resources Department, except when otherwise authorized by law. Access to those files is limited to the employees and to those individuals with a need to know, unless otherwise controlled by State or Federal law.
- B. Employees must ensure that any changes in name, address, phone, or emergency contact are documented in accordance with current standards set up both in the department and in the City.
- C. Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.
 - 1. Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical files, include:
 - a. a note to justify an absence;
 - b. a note to request a leave;
 - c. a note to verify the employee's ability to return to work;
 - d. medical records to support a claim for sick pay or disability benefits;
 - e. insurance records;
 - f. workers' compensation records; and
 - g. medical history records
 - 2. The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider.
 - 3. It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Director of Human Resources. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

4. In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a co-worker's privacy or breach of confidence.

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5.01 Orientation Period

- A. There will be an Orientation or probation period of six (6) months for all newly hired, rehired, transferred, demoted or promoted employees. It is the purpose of this orientation or probation period to allow both employees and the City to evaluate job satisfaction and continued employment. The probation period for newly hired police officers or firefighters will be twelve (12) or eighteen (18) months, depending on certifications at hire date.
- B. At any time during this period, supervisors may determine that the employees are not meeting the requirements of the position or not performing in a satisfactory manner. If this is the case, those employees may be involuntarily terminated.
- C. Prior to the dismissal of orientation period or probationary employees, departments must consult with their directors and Human Resources.
- D. New employees and newly promoted employees terminated in their initial orientation or probation periods do not have appeal rights.
- E. Current employees who have been transferred, demoted or promoted who are terminated in their initial orientation periods, may upon review be returned to their former positions, with departmental and Human Resources approval if such openings exist. This does not apply to police officers or firefighters.
- F. Orientation periods may be extended, with documentation submitted to Human Resources for approval. The documentation must include an explanation of why the additional time is necessary and is required to effectively evaluate new employees.
- G. At the end of the orientation period, the performance of the employees may be reviewed and discussed. If the performance is satisfactory after this period, employees will continue employment, and will retain their at-will status, and may subsequently be terminated, transferred, or demoted, with or without cause.
- H. During this initial period, employees are generally not eligible for reassignment, promotion, or allowed to voluntarily transfer. Exceptions may be granted if determined to be in the best interest of the City and approved by the City Manager.

VI. Salary Administration

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6.01 Program Goals

- A. The administration of salaries for each position is based on the philosophy of maintaining a competitive pay structure for the purpose of recruiting and retaining an effective workforce. Determination of appropriate compensation is based on the following principles:
 - 1. Provide compensation based on knowledge, skills and abilities for each job description.
 - 2. Regularly review the internal equity of positions, evaluating their job duties within the organization.
 - 3. Establish individual measures within the performance review process and provide for opportunities for performance-based step increases, as determined by funds availability.
 - 4. Review classifications to ensure competitiveness with similar jobs within the local economy or applicable labor market, establishing ranges similar to that market.

6.02 Job Classification and Title

- A. Job Classification is a categorization of job type according to the nature of the work performed. Jobs are classified according to assigned responsibilities and other compensable factors. These assignments are not subject to appeal by employees. Classification recommendations and assignments are recommended by Human Resources and approved by the City Manager.
- B. Job Classifications are generally slotted into pay plans. Those pay plans may include separate structures for exempt, non-exempt, Director, police, or fire.
- C. Each position within the pay plan or structure will be classified as exempt or non-exempt, or as eligible or not eligible for overtime pay or compensatory time accruals.
- D. Each position in the City shall be classified according to objective, legal criteria and the provisions outlined in this manual.
- E. Official Titles shall be used for all official documents. Working or functional titles may be used where appropriate.
- F. Job Descriptions will be established and reviewed before posting for all positions.

6.03 Job Reclassification

- A. Job Reclassification is a re-categorization of a job based on or as a result of documented significant changes in complexity of duties, responsibilities, knowledge level required, impact on City operations, accountability, business necessity, or other relevant factors, some of which are included below:
 - 1. The level of responsibility for an existing position has significantly increased or decreased.
 - 2. The job duties of an existing position are expected to be combined with a vacant position in another classification.
 - 3. Additional programs, facilities or requirements of a higher knowledge, skill, and responsibility level are assigned that are not currently a part of the job responsibilities as currently stated.
- B. Job Reclassification is not considered a business necessity for any of the factors identified below:
 - 1. Local, state or federal law requires a title or certification change but does not substantially change the job requirements.
 - 2. There is a volume increase in the workload or new tasks have been added.
 - 3. There is a desire to reward an employee for outstanding performance, the obtaining of a degree or certificate, reaching the top of the pay range, or for length of service.
- C. When reviewing job classifications and titles, the appropriate steps will also be taken to review exempt or non-exempt status for overtime eligibility.
- D. Job Reclassification request from the Directors will be conducted by the Human Resources Department and any recommended changes forwarded to the City Manager for review and approval.

6.04 Rates of Pay

- A. The base rate of pay for employees is the amount the employees receive based on an established dollar amount that correlates to the appropriate step in the salary range of the classification to which the job title is attached.
- B. The base plus rate of pay for employees for the purpose of payment of overtime is that amount the employees receive which includes the base pay, determined by placement in

the salary range of the classification to which the job title is attached, plus any longevity, certification, (police, fire, water, wastewater, bilingual), education (police and fire), and assignment pay (police and fire).

6.05 Overtime Compensation

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

- A. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.
 - 1. "Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources.
 - 2. Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.
 - 3. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made must immediately notify the Director of Human Resources. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.
 - 4. One exception to overtime compensation for exempt employees is during a governor declared state of emergency. When activated during a governor declared state of emergency, exempt employees may earn compensation at the straight time rate for hours outside the normal work schedule when activated. Overtime work still requires approval by the Department Director.

- B. Non-exempt employees are eligible for compensatory time or overtime (as defined by FLSA). For purposes of determining overtime rates paid, costs are calculated on the base plus rate, times 1.5.
 - 1. The normal workday, for full-time employees, shall consist of a minimum of eight (8) consecutive hours of work and a meal period at a time established by the Department. Alternative work schedules must be approved by Human Resources and the City Manager.
 - 2. The normal work week is forty hours of actual work beginning at 12:01 a.m. on Monday and ending at midnight the following Sunday. The standard work hours vary from division to division if approved by Human Resources.

- C. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of the supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

- D. All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization may be subject to disciplinary action, up to and including possible termination of employment.

- E. Sick days, vacation days, holiday leave, emergency leave days, injury leave days, jury duty days, or other leave days do not count as "worked time" in determining eligible hours worked for purposes of computing overtime. Employees must be at work on the job in excess of the defined work week or work period to receive compensatory time or overtime.

- F. For eligible employees, compensatory time or overtime will be accrued or paid for those eligible hours worked in excess of those defined in the work week or work period, not the work day. For non-police officer and firefighter positions, those defined work week or work period hours equal forty (40) in seven (7) days. For eligible police positions, that defined work period is fourteen (14) days consisting of eighty (80) work hours. For eligible fire positions, that defined work period is twenty-eight (28) days consisting of 212 work hours. Some Police and Fire employees work a regular 40 hour work week.

6.06 Compensatory Time

- A. Compensatory time is accrued at the rate of 1.5 hours for every hour worked in excess of the established work week or work period for the position.
- B. Compensatory time may be accrued and used at a later date, as with vacation, with supervisor approval.
- C. Compensatory time may be accrued to a maximum of forty (40) hours.
- D. Once employees have accrued 40 hours of compensatory time, all additional overtime hours will be paid at the overtime rate through payroll, or flexed off during the workweek it was earned, until such time as the compensatory time accrual has been reduced.
- E. Department Directors have the authority to designate whether the department's non-exempt employees will receive overtime pay, compensatory time accruals, or a combination of both, for any hours worked over the maximum in the work week or work period.
- F. Upon separation, promotion or transfer to another department, or promotion from non-exempt to an exempt position, employees will be paid all accrued compensatory time at the current rate.
- G. Department Directors may approve flex hours within the regular work week to keep non-exempt employees hours worked within the standard 40 hour work week (not the 80 hour pay period) and avoid overtime. Police and Fire employees may flex hours within the established work period to avoid overtime.

6.07 Standby or On Call Pay

- A. Employees are considered officially scheduled and designated as on Standby or On Call only when approved by a supervisor in accordance with procedures established by the department. During this standby period, employees are free to pursue personal activities, but must respond within guidelines established by the department. Exempt employees are not eligible for "On Call" pay.
- B. Standby and On-Call employees must be available for response within forty five (45) minutes.
- C. Employees assigned to this category will be compensated at 1.5 times their base plus rate for hours worked during the callback period.
- D. Employees called in to work will receive a minimum of two (2) hours pay.

6.08 Interim Appointment

- A. Employees may be appointed to interim positions to ensure the proper delivery of City services if the position is vacant or the incumbent will be unavailable for an extended period of time, generally in excess of ninety (90) days.
- B. An extended period of time may be defined by the City Manager, but it shall exclude routine vacation and sick leave absences.
- C. Employees appointed to interim positions will be compensated in a manner approved by the City Manager, but at no less than a five percent (5%) increase in pay or minimum of the salary range, whichever is greater.
- D. Interim appointments shall not be used to circumvent the normal selection procedures.
- E. Interim appointment pay shall be removed at the end of the interim assignment.

6.09 Pay Structure Increases

- A. The City is committed to market competitiveness and may conduct periodic reviews of the salary structures for employees. Based on this review, adjustments to the salary structures may occur.
- B. Structure increases may or may not have an effect on employees' individual pay.
- C. Structure increases will generally occur at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

6.10 Across the Board Pay Increases

- A. The City may grant across the board pay increases that apply to one or all salary structures.
- B. With this type of increase, the pay structures, or pay ranges, may stay the same.
- C. Across the board pay increases will generally occur at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.

6.11 Step Increases

- A. The City may grant employees the ability to earn step increases, based on job performance.

- B. With this type of increase, the pay structures, or pay ranges, may stay the same.
- C. Step pay increases will generally occur on anniversary dates or at the beginning of the fiscal year and are subject to City Council approval and subsequent funding availability.
- D. Lump Sum Payment
 - a. Full-time employees who have reached or are over the maximum pay for their pay grade, may be eligible to receive a one-time lump sum payment coinciding with the date of their annual performance evaluation.
 - b. Employees must meet the same performance standard requirements as outlined for step increases. If eligible, the value of the lump sum payment will be the same percentage value approved for step increases.
 - c. Any lump sum payment is subject to City Council approval and subsequent funding availability.

6.12 Longevity Pay

- A. Longevity Pay is additional pay granted based on years of continuous full-time service. Previous service time as a seasonal or part-time employee, does not count toward credited service for longevity pay.
- B. Regular full-time employees are eligible for longevity pay after one full year of service, at the end of the month in which they began working.
- C. Longevity is granted at the rate of \$4.00 per month for each year of service, to a maximum of twenty-five (25) years of service.

6.13 Bilingual Pay

- A. Bilingual pay is afforded to those employees in departments which have a demonstrated need for bilingual employees to interpret, speak, read, and write in another language. A need for bilingual employees must be approved by the Department Director.
- B. Employees who are eligible for bilingual pay must successfully pass a competency exam administered by the City. The competency exam will be in both verbal and written forms.
- C. Bilingual pay will be eliminated if the department no longer has a need, employees are transferred to other positions or departments, employees' skills no longer satisfy program

requirements, employees are on extended leave, or employees voluntarily leave the program.

6.14 Payroll Deductions

- A. Initial and continued employment is conditional upon agreement for payroll deductions as follows:
 - 1. When required or allowed by law or regulation
 - 2. As payment for fringe benefits or otherwise available, with employee consent
 - 3. As repayment for erroneous payments or overpayments made by the City
 - 4. As repayment for benefits paid while employees are receiving other income, such as workers' compensation payments

6.15 Payroll Checks

- A. Employees are responsible for their own review of all payroll checks, deductions and allowances.
- B. Employees who are eligible to receive additional pay due to assignments or certifications are responsible for bringing those assignments or certifications to the attention of the department. Compensation for assignments or certifications will be paid to a maximum of three months in arrears to any employee not reporting to their department or payroll, either their eligibility for such pay or any payroll check errors.
- C. The City retains the right to retrieve overpayments on payroll checks or non-payments for any type of elected benefits.

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7.01 Holiday Leave

- A. Regular full-time and part-time employees are eligible for paid holidays upon hire.
- B. Regular full-time employees are paid eight (8) hours for holidays. Regular part-time employees shall be compensated for holidays according to hours of work that are normally scheduled for that workday. The holiday must fall on a day normally scheduled as a workday for regular part-time employees to be eligible for compensation.
- C. The following holidays are currently approved for City employees and may be modified at any time.

<u>Holiday Title</u>	<u>Observance</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day Holiday	First Monday in September (except Firefighters who observe September 11 th Remembrance Day)
Veteran's Day	November 11 (Veterans Only)
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
Additional Christmas Holiday	Designated by City Manager

- D. Designation of the holidays listed does not authorize absences should employees be scheduled to work on that day.
- E. If a holiday falls on a Saturday, the preceding Friday shall be observed.
- F. If a holiday falls on a Sunday, the following Monday shall be observed.
- G. Departments may authorize observance of designated holidays and may revoke or restrict holiday observance in order to provide necessary City services.
- H. No overtime or extra pay is authorized for employees who are required to work on a designated holiday.
- I. Employees required to work on holidays may accrue the holiday for later use. Those employees may accrue up to a maximum of 40 hours of holiday time or be paid eight (8)

hours holiday pay for that day.

- J. Holidays occurring during vacations will be charged as holiday leave, not vacation leave.
- K. Police and Fire shift employees may schedule holidays to be used on days other than the officially observed day. If separating employees have scheduled and used holidays prior to the officially observed days listed above, that holiday pay will be deducted from any final pay.
 - Fire Shift Holiday Policy: Full-time Fire shift employees will be credited with 88 hours of holiday pay at the beginning of the calendar year. Veterans will be credited with 96 hours. The Fire Department may require advanced scheduling of holidays for proper staffing plans.

The number of holiday hours credited to new hires will be based on the number of holiday hours remaining in the calendar year. Employees changing schedules (shift or administrative) during the year will follow the policy they started with in that calendar year.

Holidays used in advance during the year the employee leaves the employment of the City will be deducted from available vacation hours and/or other available accruals. If no other accruals are available, the number of holiday hours will be subtracted from regular hours on the final check. Employees that leave employment with more holiday hours in their bank than what is left with holidays remaining in the year, forfeit those holidays.

Employees on the shift schedule may carryover up to 24 holiday hours at the end of the calendar year.

Holidays can be used upon hire with prior supervisory approval.

There is no additional pay when an employee works on a designated City holiday.

- L. Non-exempt employees on alternate schedules will need to utilize the appropriate holiday and leave hours to ensure full pay for the pay period when applicable. Employees on a 9/80 schedule who have a holiday fall on their "off" day, will need to take another day off during the work period or accrue the holiday for later use. Employees may use vacation, compensatory time or personal leave to ensure full pay for the pay period.
- M. Personal leave time may be earned and used as listed below.
 - 1. New employees are eligible for personal leave time upon hire on a prorated basis and must use that personal leave time during the calendar year. Existing employees

receive 24 hours of personal leave annually on the first payroll in January.

2. There is no carryover for the personal leave hours, and there is no payout for the unused personal leave hours at time of separation. All personal leave hours must be used during the calendar year earned and must be taken in a minimum of fifteen minute increments.

7.02 Vacation Leave

This section on accruals and payouts applies to all regular full-time employees (police officers and firefighters have a different accrual schedule). Years equals years of continuous, active full-time service. An eligible employee that has completed the six (6) month initial orientation period will be paid all accumulated vacation hours on the final check upon separation.

Years Completed	Accrued Hours/Pay Period	Accrued Hours/Year	Max Accruals
0 - 4	3.0770	80	160
5 - 9	3.6923	96	192
10 - 15	4.6154	120	240
16	4.9231	128	256
17	5.2308	136	272
18	5.5385	144	288
19	5.8462	152	304
20+	6.1539	160	320

This section on accruals and payouts applies to all regular full-time police officers and firefighters. Years equals years of continuous, active full-time service. An eligible employee that has completed the six (6) months of the initial orientation period will be paid all accumulated vacation hours on the final check upon separation.

Years Completed	Accrued Hours/Pay Period	Accrued Hours/Year	Max Accruals
0 - 15	4.6154	120	240
16	4.9231	128	256
17	5.2308	136	272
18	5.5385	144	288
19	5.8462	152	304
20+	6.1539	160	320

- A. Maximum hours accrued is limited to two times (2x) annual accrual.
- B. Accruals are awarded each pay period.

- C. Vacation leave may not be advanced or transferred to other employees unless donated through the catastrophic leave program.
- D. Payment of unused vacation time is calculated on the base rate of pay for separating employees.
- E. Vacation leave must be taken in a minimum of fifteen-minute increments.
- F. Vacation leave must be requested by employees and approved by departments in advance, unless the absence is the result of an unforeseen emergency, in which case the department may determine if vacation may be granted.
- G. Vacation leave shall be scheduled giving due consideration to service requirements and expectations. Employees shall be permitted to use paid vacation at such times as may be determined by the department to be in the best interest of the City.
- H. Vacation leave shall not accrue for any pay period in which employees are in a non-pay status and absent for the pay period.
- I. Vacation leave shall not be used for any day in which employees are in a suspended status from work due to disciplinary actions.
- J. Non-exempt employees on alternate work schedules will need to utilize the appropriate vacation hours to ensure full pay for the pay period when appropriate.

7.03 Sick Leave

- A. Regular full-time employees are immediately eligible for paid sick leave. Sick leave hours will accrue on a bi-weekly basis at the rate of eight (8) hours for each month worked. Employees may accrue over 720 hours of sick leave, but this will be “reset” to 720 hours as of January 1 each year. Any donations to the catastrophic leave program will be made after January 1 each year.
 - 1. This section on accruals and payouts applies to all regular full-time employees, including police officers and 24-hour shift firefighters. Years equals years of continuous, active full-time service. Maximum hours payout means maximum cash paid at time of separation for unused leave.
- B. Accruals are awarded at the end of each pay period.
- C. Sick leave is to be used for health care needs which may include illness and routine health care appointments of the employee or relative to include spouse, parents, parents-in-law,

step-parents, step-parents-in-law, grandparents, grandparents-in-law, children, step-children, grandchildren, siblings, step-siblings, siblings-in-law.

- D. Supervisors may request physician statements when sick leave use is excessive.
 - 1. Frequent sick leave use by employees may indicate a necessity for a fitness for duty examination at the request of the department after review with Human Resources.
- E. Sick leave may not be advanced or transferred to other employees, except through the catastrophic leave program.
- F. Payment of unused sick time is calculated on the base rate of pay for separating employees who have completed five (5) years of continuous service. Payment will be for one-third of the balance not to exceed 240 hours.
- G. Sick leave must be taken in a minimum of fifteen-minute increments.
- H. Non-exempt employees on alternate schedules will need to utilize the appropriate hours to ensure full pay for the pay period when applicable.
- I. Sick leave shall not accrue for any month in which employees are in a non-pay status for at least one full pay period.
- J. Sick leave shall not be used for any day in which employees are in a suspended status from work due to disciplinary actions.
- K. Employees using sick leave must contact their supervisors prior to or within the first thirty (30) minutes of their shifts. Employees who are on duty are required to notify their immediate supervisors of their personal or family illness prior to leaving the worksite.

7.04 Bereavement Leave

- A. Regular full-time employees may use up to 40 hours of sick leave for bereavement purposes. Additional paid leave time may be used if necessary in case of death of a family member listed below:
 - 1. Spouse
 - 2. Parents, parents-in-law, step-parents, step-parents-in-law
 - 3. Grandparents, grandparents-in-law
 - 4. Children, step-children
 - 5. Grandchildren
 - 6. Siblings, step-siblings, siblings-in-law

7.05 Jury Duty Leave

- A. Regular full and part-time employees shall be granted paid leave for required non-voluntary, City related appearances in a city, state, federal or appellate court, or a legislative or administrative proceeding. Employees must provide documentation of required attendance.
- B. Employees receiving payment from outside employers for appearances covered by this section must use accrued paid or unpaid leave.
- C. Monies earned from jury duty need not be reimbursed to the City.
- D. Employees excused from jury duty or court appearances as identified above must return to work that same day. Employees serving on a grand jury may require need for extended time away from work.

7.06 Breaks

- A. Rest Breaks: Full-time employees may, depending on individual departmental work schedules at the discretion of the supervisor, take up to two fifteen minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined, "banked" to carry over to next day, used to extend lunch break, or used as a means to earn overtime when work performed during a designated break period. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.
- B. Meal Periods. Full-time employees (excluding most Police and Fire Department employees) are normally provided a one-hour or half-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.
- C. Break Time for New Mothers: Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

- D. Supervisor Responsibility: Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

7.07 On the Job Injury Leave

- A. Regular full-time employees who sustain injuries on the job and in the line of duty will receive salary continuation for the duration of their incapacity, not to exceed sixty (60) calendar days. Employees must be totally off of work to receive the salary continuation. Employees, who are off work longer than 60 days, may supplement their worker's compensation payments with accrued paid leave. Salary continuation is offered to employees as one of the two options listed herein.
 - 1. Salary continuation shall be defined as the current base rate less any workers' compensation payments, if workers' compensation payments are retained by the employee.
 - 2. Salary continuation shall be defined as the current base rate if workers' compensation payments are returned to the City. Employees electing this option are required to return workers' compensation payments within three (3) days of receipt of each check in order to continue to receive salary continuation.
 - 3. Employees on injury leave are required to report weekly to their departments to update them on their conditions and possible return to work. Employees who do not report weekly will have their salary continuation payments stopped, and disciplinary action may follow.
- B. Salary Continuation payments will be provided to employees who comply with all physician instructions regarding treatment and are not found to be working for pay at any other job.
- C. Employees may be assigned to modified duty for a period not to exceed ninety (90) days without additional approval from the City Manager.

7.08 Modified Duty

- A. The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made at the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness;

the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty.

- B. Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.
- C. Modified duty will not normally extend beyond 90 calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Director of Human Resources to the City Manager. Pregnancy will be treated as a temporary disability, and the length of modified duty may be extended due to the accommodation for pregnancy. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.
- D. An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.
- E. During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.
- F. An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.
- G. All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Director of Human Resources.

7.09 Official Travel Leave

- A. Regular full-time employees may be granted leave to attend conferences, schools and other events designed to improve education and knowledge.
- B. This leave is counted as regular hours worked if required by the City.
- C. The City's travel policy and procedure is further defined in the Administrative Rules.
- D. Compensation for travel and training time:

General travel rules:

For non-exempt employees, time spent traveling for training or other City business is compensated as follows:

For a single day of travel, including regular workday, weekend or holiday, all actual travel time, less mealtime, shall be counted as compensable time worked for purposes of computing overtime.

For multi-day travel (with overnight stay):

All actual travel time during regular work hours or corresponding hours on non-working days (weekends or holidays), less mealtime, will count as time worked. For example, if an employee regularly works from 8 a.m. to 5 p.m. on the weekdays, any travel time between the hours of 8 a.m. and 5 p.m. on a weekday or the weekend will count as time worked.

Travel time spent outside of regular work hours or corresponding hours on nonworking days (weekends or holidays), less mealtime, will count as time worked for drivers only. For example, an employee who regularly works from 8 am to 5 p.m. on weekdays will be paid for travel after 5 p.m. on a weekday or the weekend only if he is driving, but not if the employee is a passenger.

Normal travel time between home and the employee's first worksite is not considered time worked. However, time spent traveling between home and work for a special assignment outside of the county, or for unscheduled emergency call backs to work, will be counted as time worked. If a driver is offered a different, faster mode of transportation, but chooses to drive, then such additional driving time before and after work hours is not counted as time worked.

Employees who attend training or other meetings and events as part of City-related business will be compensated for the training/meeting and eligible travel time according to this policy.

If an employee voluntarily attends courses outside of work hours at an independent school, including a college or trade school, time spent in class or doing homework for such class is not compensable by the City and will not be paid, even if the course is related to the employee's job at the City and even if the City is reimbursing the employee for the cost of the class.

Employees who have questions regarding these travel/training policies should contact Human Resources.

7.10 Military Leave

- A. The City is committed to fulfilling its obligations under state and federal law and demonstrating its support of national or regional efforts by providing military leave as specified herein. The City also acknowledges that time spent by employees on military leave is often relevant or complementary to any workplace responsibilities, and that the skills, leadership, discipline and teamwork experience that employees acquire during military service can prove valuable on the job.
- B. Employment and re-employment rights of military personnel in civilian employment are governed by the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Texas Gov't Code 431.005.
- C. All paid military leave days will be given only in lieu of regularly scheduled work hours.
- D. Requests for military leave shall be made in writing and in advance to Human Resources and accompanied by military orders. Where military necessity prevents advance notice and documentation, notice and documentation are to be provided as soon as possible, but no later than immediately after the absence, in order for benefits to be paid.
- E. All regular full-time employees are eligible for fifteen (15) paid days or a total of 120 hours to allow for response to orders of military service, beginning on October 1 of each year. A day is defined as eight (8) hours.

7.11 Voting Leave

- A. Employees are encouraged to exercise the right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours. Employees are encouraged to take advantage of early voting.
- B. Upon adequate advance notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, accrued compensatory time,

personal leave or leave without pay for the period of time missed.

7.12 Fitness for Duty Exams

- A. Employees are responsible for maintaining their required standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.
- B. Employees with potentially life-threatening and / or infectious illnesses or physical and / or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. Employees must be able to perform the essential functions of their jobs, with or without reasonable accommodations, without creating undue hardships, and medical evidence indicates that their condition is not a direct threat to themselves or others.
- C. Employees may be required to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.
- D. Prior to returning to work, employees must coordinate with the Human Resources Department.

7.13 Administrative Leave

- A. The City may grant administrative leave with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.
- B. Department Directors in consultation with Human Resources may designate Administrative Leave with pay only pending a disciplinary decision or drug/alcohol screening results, or during an internal investigation.
- C. Written notice of administrative leave shall be provided to the employee and a copy forwarded to the Director of Human Resources for proper payroll processing.

7.14 Public Safety Mental Health Leave Policy

The purpose of this policy is to allow the use of mental health leave by Police Officers and Firefighters employed by the City who experience a traumatic event while on duty.

The employee shall be allowed up to three (3) standard business days (24 hours) of paid mental health leave per calendar year, subject to the following conditions:

1. The leave is
 - a. Approved by the respective Chief of the Department: or
 - b. Ordered by a mental health professional; and
2. The leave is taken as a result of a traumatic event that occurred while on duty.

The City will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The City cannot guarantee anonymity of information that is otherwise public or necessary to carry out the City's duties under the law.

The City will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken under this policy.

The City will provide mental health resources to the employee through the Employee Assistance Program and other mental health programs or professionals.

VIII. Unpaid Leave

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8.01 Leave of Absence

- A. This section applies to employees who are not currently eligible for leave under the Family Medical Leave Act (FMLA).
- B. Employees may be granted unpaid leaves of absence for any purpose which has been approved by the Department Director and the City Manager.
- C. Employees shall request unpaid leaves of absence a minimum of two (2) weeks prior to the onset of the requested leave, other than in cases of emergency.
- D. Requests shall be evaluated on the basis of length and reason and may not be granted if the employees have leave accruals.
- E. Unpaid leave may be granted in thirty (30) day increments for no longer than six (6) months.
- F. Employees on leave without pay for more than thirty (30) days shall not be guaranteed re-employment in their former positions if that leave has a negative impact on department operations, as determined by the Department Director.
- G. Employees on unpaid leave must make payment for insurance benefit programs. Eligibility for any benefit from the City may be suspended during periods of unpaid leave.
- H. Employees on unpaid leave for a full pay period will not accrue sick and vacation benefits.

IX. Family and Medical Leave

9.01 FAMILY AND MEDICAL LEAVE ACT	50
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9.01 Family and Medical Leave Act

- A. This section provides criteria for compliance with the Family Medical Leave Act (FMLA).
- B. This section identifies those who are eligible for leave under FMLA.
 - 1. Employees must have worked for the City at least twelve (12) months prior to the commencement of leave, and this twelve months need not be consecutive.
 - 2. Employees will be considered employed for one week if they were in a paid status for any part of the week.
 - 3. Prior to the commencement of leave, employees must have worked at least 1250 hours during the twelve (12) month period.
 - 4. Employees who are off work in excess of three (3) working days or two (2) fire shifts for a qualifying reason are eligible to be placed on family and medical leave.
- C. This section identifies eligible reasons for leave under FMLA.
 - 1. Employees are eligible for this leave for the birth of a child or in order to care for that child, with leave completed within twelve (12) months of the birth.
 - 2. Employees are eligible for this leave for the placement of a child for adoption or foster care, with leave completed within twelve (12) months of the adoption or foster placement.
 - 3. Employees are eligible for this leave in order to provide care for a spouse, child, or parent with a serious health condition. This includes a spouse in a legal same-sex marriage.
 - 4. Employees are eligible for leave due to their own serious health condition that makes them unable to perform the essential functions of the position. Generally, a workers' compensation injury resulting in lost time automatically meets the criteria.
 - 5. Employees are eligible for leave due to a qualifying exigency arising out of the fact that a spouse, son, daughter or parent is on active duty or has been notified of an impending call.
 - 6. Employees are eligible for leave to care for a spouse, son, daughter, parent or next of kin who suffered an injury or illness in the line of duty while serving in the military.
- D. Medical certifications are required to document serious health conditions and must

include the conditions identified as required by law, with submission to and approval by Human Resources, on the appropriate documents.

- E. The City may require a second opinion if it has reason to doubt the medical certification. The second opinion will be performed by a physician of the City's choice and at the City's expense. If necessary to resolve a conflict between the original medical certification and the second opinion, the City and the employee will jointly select a third physician. The City will pay for the third opinion. This third opinion will be considered final.
- F. Eligible employees may take up to twelve (12) weeks (or 26 weeks longer for qualifying exigency leaves) during a rolling twelve (12) month period.
- G. Spouses working for the City taking qualifying leave for the birth, adoption or placement of a child, may take a total of twelve (12) weeks of leave between them.
- H. Employees must use accrued paid leave prior to using unpaid leave for FMLA.
- I. A serious health condition of the employee or of a family member, or the birth, adoption or placement of a child in foster care, requires the use of all accrued leave prior to an employee being placed in leave without pay (LWOP) status.
- J. Employees may take intermittent leave as needed, to a total of twelve (12) weeks, unless the leave involves exigency. During intermittent leave, the City may temporarily transfer employees to available alternative positions with equivalent pay and benefits, in order to meet service requirements.
- K. Employees may take intermittent leave for the birth, adoption or placement of a child only if the arrangement is requested by employees and agreed to by the Department Directors.
- L. All requests for leave under the Act must be made in writing to Human Resources, where all certification documents will be reviewed and maintained.
- M. In cases of emergency, supervisors will coordinate with employees or, if employees are unable to provide information, with the next of kin, to obtain information on the circumstances requiring leave. Supervisors will then contact Human Resources Department for coordination of the leave.
- N. Employees on leave for more than one pay period are required to report to their supervisors on a regular basis regarding the status of their leave and their intent to return to work.
- O. Use of leave beyond FMLA approved leave for either personal illness or for the illness of

an immediate family member may be approved after review by Human Resources.

- P. Employees on paid leave under these provisions will continue to accrue leave benefits, with deductions continuing for their contributions for any benefit plans.
- Q. Employees on unpaid leave for a full pay period will not accrue leave benefits and must pay their portion of any insurance premiums monthly in order to continue coverage.
- R. Employees opting not to return to work following family and medical leave for reasons other than a continued serious health condition may be required to reimburse the City's share of any paid benefit premiums during the absence.

X. Benefits

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10.01 Insurance for Employees

As part of its overall compensation package, the City provides a variety of insurance and voluntary coverage options for eligible employees and their families. Regular full-time employees, part-time employees budgeted for 30 hours per week, and eligible retirees, may elect to participate in the health insurance plan. Eligibility for health insurance benefits begins on the first of the month after date of hire. The City Manager and Human Resources will be responsible for advising the City Council on the program and necessary in-house administration. Human Resources will promote the benefits and provide information and assistance to those eligible. A benefits summary is available to all employees detailing specific health plan coverage.

- A. The City provides life insurance with a value of one year's annual salary to all employees. The City offers an additional voluntary life insurance plan through payroll deduction for the employee, spouse and dependents. Various other voluntary coverages are also offered such as disability, accident, and catastrophic health policies, which can be purchased by the employee. These plans are available to full-time employees.
- B. The City has available a free resource to confidentially help employees deal with life's stresses and work or life problems. The Employee Assistance Program (EAP) can help with issues including: family issues, communication skills, parenting skills, stress or time management, legal and financial issues or grief counseling. This service is available to all City employees; it can be continued for up to six months after leaving employment at no cost.

10.02 Catastrophic Leave Program

This program establishes the procedure for full-time employees to donate vacation or sick leave to a "pool" that is designed to provide income replacement for fellow employees who have experienced a non-job related catastrophic illness, or who have a family member (as defined in Section 7.03C) in this situation. The employee must exhaust all paid leave to be eligible to apply for Catastrophic Leave, and the employee must contribute at least four (4) hours of sick leave or vacation per year to participate. Contributions will typically occur in January.

- A. The employee must have completed six months of continuous service before being eligible to receive Catastrophic Leave. Employees may receive leave distributions for up to 480 hours in a rolling calendar year. The medical condition must meet the definition of "serious health condition" as defined by FMLA, and if the employee meets the tenure and family relationship requirements of FMLA, they must apply for FMLA and provide appropriate medical certification. Medical certification will be required in all circumstances before approval of Catastrophic Leave. Normal pregnancy does not apply

under this policy.

- B. Employees wishing to make donations to the Catastrophic Leave fund will contact Human Resources. Donations will typically occur during open enrollment for health insurance, and the transfer of the hours will generally occur in January.
- C. Employees requesting leave will make application through the Human Resources Department. Only full-time employees are eligible to use this leave. Human Resources will review and notify the employee if approved. Any appeal of the decision by Human Resources shall be made within five (5) work days after receiving the decision. The appeal shall be in writing to the City Manager. The City Manager will review, and his decision will be final.

10.03 Vacation Buy-Back

If an employee has taken at least 60 hours of vacation time off during the previous fiscal year and so elects, he/she may buy back up to 40 hours of unused vacation time. The buy-back option may be used to make a one-time contribution to the employee's deferred compensation plan for that year, or it may be distributed in a one-time payment through payroll. Completed forms must be submitted to Human Resources for approval by the first Monday in November. All requests for buy-back will be distributed during the second payroll in November. This option is subject to available funding and City Council approval through the budget process each year.

10.04 Tuition Reimbursement

- A. The City of Huntsville recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve related skills or enhance their ability to compete for reasonably attainable jobs within the City.

The City of Huntsville will provide educational assistance to all full-time regular employees who meet the following eligibility requirements:

1. Completed one year of continuous employment with the City;
 2. Remain on the active payroll;
 3. Perform their job satisfactorily throughout the completion of each course.
- B. While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will

entitle the employee to automatic advancement, a different job assignment, or pay increases.

- C. Guidelines: Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable future position within the organization in order to be eligible for educational assistance. Human Resources in coordination with the Department Director has the discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position.
- D. The City invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the City's employment within one year of the last educational assistance payment, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to one hundred percent (100%) of the original educational assistance payment for the prior year.
- E. Approval shall be obtained in advance, prior to starting the course, from the department Director and Human Resources.
- F. The City will allow up to \$500 (grade of "C" or better) per employee, per course, up to \$1500 per fiscal year, upon successful completion of the course for either undergraduate or post graduate course work.
- G. Tuition reimbursement funding will be administered centrally by Human Resources. Final grades and course completion documents must be submitted to Human Resources for reimbursement processing. Expenses authorized under this policy will be subject to overall budget availability.

XI. Retirement Benefits

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11.04 PRE-65 RETIREE HEALTH INSURANCE PLAN 58

11.01 Texas Municipal Retirement System (TMRS)

- A. Regular full-time employees are required to participate in the Texas Municipal Retirement System. Participation is immediate upon hire.
- B. Regular part-time employees whose positions are scheduled or budgeted to work 1000 hours or more per year or who generally work 1000 hours or more per year are required to participate in the Texas Municipal Retirement System, irrespective of budgeted hours.
- C. TMRS has both vesting and contribution requirements which are adopted by ordinance.
- D. Specifics of the current plan and retirement estimates are available on the TMRS website at www.tmr.com, or in Human Resources.
- E. Employee changes such as beneficiaries, addresses and other information should be regularly updated and submitted on TMRS forms available at www.tmr.com and a copy forwarded to Human Resources.

11.02 Optional Retirement Systems

- A. Regular full-time employees may participate in voluntary deferred compensation plans offered through Mission Square; www.missionsq.org. Participation may commence or cease at any time and contribution amounts may be amended at any time.
- B. Regular full-time employees may participate in voluntary after-tax savings programs offered through Mission Square; www.missionsq.org. Participation may commence or cease at any time and contribution amounts may be amended at any time.

11.03 Social Security

The City does not participate in Social Security. Therefore, part-time and seasonal employees are required to participate in the Mission Square deferred compensation plan at the rate of 7.5% of payroll on an after tax basis.

11.04 Pre-65 Retiree Health Insurance Plan

Presently, the City of Huntsville has four groups of retirement eligible current and former employees. Their retirement eligibility options, and current policies are as follows:

- I. Current Employees Hired After 1/1/2016 – This group of approximately 40 current

employees (as of 6/30/17) is eligible by State Law (Local Government Code Chapter 175) to receive retiree health insurance up to the age of 65 from the City of Huntsville. This group of employees has 2% (not to exceed \$100 per month) of their annual check deducted and placed in a Retirement Health Savings Program through Mission Square.¹ This group of employees is eligible for pre-65 retirement healthcare participation with the City of Huntsville under the following terms and conditions:

- a. Eligibility:
 - i. Retirement at Huntsville-specific TMRS guidelines prevailing at the time.² The employee must be TMRS-eligible to retire and separate employment from the City of Huntsville.
 - ii. Not employed by an employer offering health insurance nor eligible for health insurance.³
 - iii. Must have been enrolled on the active employee health plan prior to separation.
- b. Benefit:
 - i. Receive retiree healthcare through the City of Huntsville and pay 100% of the premium cost for the group of care⁴ they select up to the age of 65.

II. Current Employees Hired Before 1/1/2016 - This group of employees is eligible currently to receive retiree healthcare from the City of Huntsville. This group of employees is eligible for pre-65 and post-65 retirement healthcare participation with the City of Huntsville under the following terms and conditions:

- a. Eligibility:
 - i. Retirement at Huntsville-specific TMRS guidelines prevailing at the time.² The employee must be TMRS-eligible to retire and separate employment from the City of Huntsville.
 - ii. Must have been enrolled on the active employee health plan prior to separation.
 - iii. If the retiree goes to work for another employe, and the retiree is eligible for health insurance at that employer, the retiree must enroll in that employer's plan, continue to pay the posted premiums to the City for the category of insurance they selected, and the City's plan would become secondary. Once the retiree is no longer working for an employer offering health insurance, the City's plan would become primary, and the retiree would be eligible for Pre-65 coverage, or one of the Post-65 plans, depending on the retiree's age.

1 <https://www.missionsq.org/products-and-services/retirement-health-savings.html>

2 Presently, that is 5 yrs. of TMRS service at age 60 or 20 yrs. of TMRS service at any age.

3 Current categories are:

1. Employee only
2. Employee & Spouse
3. Employee & Children
4. Employee & Family

- b. Benefit:
 - i. Receive retiree healthcare through the City of Huntsville and pay the posted City premiums (if eligible for the subsidy) at the time of retirement for the group of care they select up to the age of 65. The retiree is immediately ineligible to stay on the City's plan (or any plan offered to active City employees) at the moment they turn age 65.
 - ii. Receive a Medicare Supplemental benefit at the posted City premiums (if eligible for the subsidy) at the time the retiree reaches age 65, provided the retiree pays the Medicare part B premium. Employees hired prior to 1/1/2016 are eligible for a subsidized Medicare supplement at age 65 regardless of retirement date if the retiree has been continually covered on the City's Pre-65 health plan.
 - c. Policy Change:
 - i. The 2018 City of Huntsville Retirement Healthcare Policy eliminates the City subsidy for pre-65 retirement healthcare effective 1/1/2028. Anyone not specifically listed by name below⁴ retiring after 1/1/2018 will be eligible for pre-65 subsidized retirement healthcare only until 1/1/2028 or age 65 (whichever comes first).
 - ii. Beginning 1/1/2018, active employees separating and retiring from the City of Huntsville will receive 2/3's of their remaining sick leave balance in a Retirement Health Savings Program through Mission Square, if they are under the age of 65 on the effective date of retirement.
- III. Current Retirees less than 65 years of age – Any currently retired former employee, or current employee retiring and currently eligible for retirement benefits who retired prior to 1/1/2018 is eligible to continue to receive pre-65 retirement healthcare benefits up to age 65 at the posted premium rates paid by eligible active employees provided their name is listed below.⁴ This benefit survives even though they are not yet age 65 as of 1/1/2028. This also includes any retiree not eligible for Medicare benefits. The retiree is immediately ineligible to stay on the City's pre-65 plan (or any plan offered to active City employees) at the moment they turn age 65 (unless they are not Medicare eligible).
- IV. Current Retirees greater than 65 years of age – Any currently retired former employee, or current employee retiring and currently eligible for retirement benefits who retired prior to 1/1/2018 is eligible to continue to receive post-65 retirement healthcare benefits until death at the posted premium rates. As of 1/1/2017, the City's subsidy will not exceed \$412.50/mo. You must have met all requirements for a City subsidy.

⁴ Names of people currently retired by the City of Huntsville not yet aged 55 as of 1/1/2018: David O'Rear, David Collins, Joey Pavelock, Kendrick Ross, Bobby Gann, Sandi Lawson, and Nick Gann

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12.01 Outside Employment

- A. Prior to obtaining any outside employment, whether as an employee, independent contractor or otherwise, full-time employees must request prior approval in writing through their Department Directors. Department Directors must obtain this approval from the City Manager in advance. Requests will be kept on file in the HR Department.
- B. Employees shall not engage in any outside employment whereby such employment would constitute a conflict of interest, would adversely affect the performance of duty, or would create a significant appearance of impropriety.
- C. Outside employment must be conducted so that it does not conflict with regular duties and performance and work must not be performed during regular work hours. Performance or conflict of interest issues related to outside employment may be addressed at any time by the Department, Human Resources, or the City Manager if appropriate; the employee may need to discontinue the outside employment if it interferes with the performance of job duties.

12.02 Code of Ethics

- A. It is the intent of the City of Huntsville to conduct all its business in accordance with the highest standards of ethical conduct.
- B. Employees shall maintain the utmost standards of personal integrity, truthfulness and fairness in carrying out their duties, avoiding real or perceived improprieties in their roles as public servants, and never using their positions of power for improper personal or professional gain.
- C. City employees must not engage in any activities, transactions, or relationships that are incompatible with the impartial, objective, and effective performance of their duties, or that are adverse to the City's interest, or that may adversely affect the City's reputation.
- D. Employees shall not solicit, or accept, or give any gift, gratuity, favor, entertainment, reward, or any other item of monetary value that might influence, or appear to influence, the judgment or conduct of the employee in the performance of his or her job.
- E. The City encourages employees to fully exercise their constitutional rights as citizens to vote and participate in political activities, but City employees are subject to the restrictions specified in this Chapter relating to use of work time, City property, or use of their official status in political activity.
- F. Employees shall avoid any action, whether or not specifically prohibited, which might result in, or create the appearance of any of the following, as identified below.

Employees must disclose any concerns or questions regarding these actions, activities or relationships to their Department Director or City Manager in advance:

1. Using public office or position for private gain
2. Giving preferential treatment to any organization or person
3. Impeding efficiency or economy
4. Losing complete independence or impartiality of action
5. Making a government decision outside official channels
6. Adversely affecting the confidence of the public in the integrity of the organization
7. Connecting the employee's public employment or position with any advertisement, product, or service. Public employment or position includes the name or logo of the City, the name of its departments, or the use of its offices.

12.03 Financial Interests

- A. Employees shall not have a financial interest in any exchange with, purchase by, or sale of property, goods, or services with the City, unless the employee has disclosed the financial interest to the appropriate Department Director before any contact with the City concerning the transaction. The Department Director must notify the City Manager of the potential conflict.

12.04 Use of Official Position

- A. Employees shall not use their official positions, official identifications or business cards for personal or financial gain, for obtaining privileges not otherwise available to them, or for soliciting donations or contributions, except in the performance of assigned duties or where authorized by the City Manager.
- B. Employees shall not permit or authorize use of their names, photographs or official titles which identify them as City employees, or permit or authorize the name or logo of the City of Huntsville, or any of its departments or offices, or property of the City to be used in connection with testimonials or advertisements of any commodity or commercial enterprise, for any personal reasons, or for soliciting donations or contributions, without the approval of the City Manager or designee.

12.05 Disclosure of Information

- A. Employees shall not make known any information concerning an investigation, a known or reported law violation, a condition against which action is to be taken at a future time, or any proposed enforcement action to any person not authorized to receive it.
- B. Employees may not remove or copy official records or reports from the City unless in accordance with established procedures.

- C. Employees shall not promise confidentiality or divulge the identity of a person giving confidential information, except when authorized by proper authority and necessary in the performance of their work.
- D. Employees shall not use information obtained in the course and scope of employment, including City reports, records, files, or contacts with citizens, to contact any person for any purpose other than official business.

12.06 Gifts and Gratuities

- A. Employees shall not accept or solicit any money, property, or any other item of value, which could be perceived in any way as intent to influence the employee in his/her official capacity.
- B. Employees shall not seek, ask, or share in any fee, reward, or other reimbursement or gratuity for the performance of official duties.
- C. Any gift or money received by an employee must be approved by the Department Director, and if appropriate, may be shared with other employees or donated to an approved organization.
- D. Disclosure of any vendor relationships shall be in accordance with Chapter 176 of the Local Government Code, as amended, September 1, 2015.

12.07 Political Activity

- A. City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:
 - B. Engage in political activities that are violations of law, or while on duty, while in uniform or in a City vehicle, by use of employee official title or status, in offices, buildings or non-public areas of City property;
 - C. Publicly campaign in any manner for any person seeking a City public office;
 - D. Use the employee's position or office to coerce political support from employees or citizens;
 - E. Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office;

- F. Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote; and,
- G. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.

12.08 Council Contacts

Employees assigned directly or indirectly to the City Manager do not have the need or authority to discuss matters affecting their employment or working conditions with members of the City Council. Employees with problems of this nature should follow their department's organizational chart, chain of command, and/or the grievance procedure as established in this handbook. Employees who do have work-related conversations with a Councilmember should disclose these conversations to their supervisor and/or the City Manager. Failure to disclose these conversations may result in disciplinary action. This policy does not apply to appointed positions (City Manager, City Secretary, Municipal Court Judge, City Attorney). Employees are not prohibited from discussing matters of public concern with a member of the City Council.

12.09 Electronic Communications System

The City may provide computer networks, Internet access, City issued hosted and SaaS (Software as a Service) user accounts, instant messaging, email, telephones, cell phones, smart phones, wireless air cards, tablet devices, iPods, laptops, PCs, flash drives, digital cameras, voice mail, printers, copiers and fax machines for use by City employees in the performance of their job duties. These communication resources are referred to collectively in this policy as "electronic communication systems". These electronic communication systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information within the City. This policy governs user behavior pertaining to usage of the City's electronic communication systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communication systems. The City's electronic communication systems must be used in a professional, responsible, efficient, ethical and legal manner. Supervisors cannot alter the restrictions of this policy.

- A. Computer, Internet and email access: Users desiring computer, Internet and/or email access must obtain approval from their immediate supervisor who must then submit a request to the IT Department. Users must acknowledge an understanding of this policy

and its guidelines as a condition of receiving a computer, Internet and/or email access account. Users must understand that use of any of the City's electronic communication systems, such as a computer, Internet and email, is a privilege. All City issued hosted and SaaS (Software as a Service) user account actions such as password resets, administrative changes, and technical support must be directed to the City IT department. Intentionally circumventing this process, such as contacting a vendor directly to unlock a locked user account, is considered a violation of this policy. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

- B. Acceptable Use: Acceptable uses of the City's electronic communication systems are limited to those activities that support City business in line with the user's job responsibilities; however, minimal personal use of the Internet, instant messaging, email and other electronic communication systems is allowed under this policy as long as such use is not excessive and/or inappropriate and does not impede job performance.
- C. Unacceptable Uses of Electronic Communication Systems include:
- Using profanity, obscenity, or other language which may be offensive or harassing to coworkers or third parties.
 - Accessing, displaying, downloading or distributing sexually explicit material.
 - Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
 - Copying or downloading commercial software in violation of copyright law.
 - Using the systems for financial gain or for any commercial activity unrelated to City business.
 - Using the systems in such a manner as to create a security breach of the City's network.
 - Looking or applying for work or business opportunities other than for internal City postings.
 - Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, physical attributes, or veteran status.
 - Perpetuating chain e-mail letters or their equivalents and creating and/or sending spam.
 - Transmitting or sharing information regarding a coworker's health status without permission.
 - Expressing opinions or personal views that could be misconstrued as being those of the City.
 - Expressing opinions or personal views regarding management of the City or other political views.

- Using the City's electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

D. Cellular Phone and Wireless Communications Devices:

Devices included are cell phones, smartphones, wireless air cards, iPods, iPads, tablet devices, laptops, netbooks, wireless hotspots, access points, pagers, and all other devices with wireless and/or 3g, 4g, or similar capabilities.

1. Employees shall comply with applicable laws regarding the use of cell phones and wireless communication devices while driving and avoid any use that may jeopardize the safety of the employee or others (see section 12.10).
2. Employees are prohibited from talking, texting, e-mailing, or surfing the internet while driving a City vehicle.
3. Public safety employees are exempt from this section of the policy only when conducting official police/fire business where stopping or parking is not an option.
4. Employees may submit a request for reimbursement when their personal cell phone is used for City related business calls. Employees may be eligible for a cell phone allowance based on their job duties, with approval of the Department Director or City Manager.

E. Filtering: The City uses software to filter Internet content for all employees. These filters are designed to prevent the viewing of any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review these filters on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

F. Responsibility: Employees are responsible for the proper use of City issued user account(s) regardless if using with a personal device or on personal time. Examples include safeguarding passwords, not allowing others to use the employee's account(s), and using approved multi-factor authentication to ensure account security. Exchanges that occur in the course of conducting City business on the City's electronic

communication systems will be considered a communication of the City and held to the same standards as formal letters.

Employees should exercise good judgment and restraint when using these City owned resources.

- G. No Right of Privacy/Monitoring: Users of City electronic communication systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communication systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail, Internet, text messages and information transmitted, received or stored on the City's electronic communication systems to assure that the City's resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with City policies.

The IT Director or designee has the authority to override any individual passwords and give management access to any device or data used by an employee.

- H. Technology Hardware and Software:

The IT Department has ultimate responsibility for all IT hardware and software that is purchased for the City and its compatibility for use on or with the City's network. All City-wide purchases for IT hardware and software are to be made by the IT Department. IT will have the authority to remove or replace any equipment and/or software as required to implement the City's overall Information Technology needs.

1. Hardware/software: Any hardware/software purchased without IT approval may not be connected to the city's network, nor will it be maintained by IT staff.
2. Employee-owned equipment: Employee-owned equipment must NOT be connected to the City's network as it may contain viruses, spyware and other malicious software which can quickly damage the City's network causing performance issues, loss of data, or impairment of other important resources.
3. Redline Equipment: Occasionally IT receives requests from Departments to be issued and use computers or other equipment that is destined for disposal, "Redlined." This equipment is viewed as "free" by the receiving department, since there is no up-front cost. However, this older, obsolete equipment must still be supported by IT. This creates a burden in that the "Redline" equipment is removed from the installed base, so it results in a lower amount being budgeted for equipment replacement yet requires IT staff support for maintenance and upkeep.

Requests for “Redline” equipment will be evaluated on a case by case basis and if approved by IT, will only be supported through the following budget year. Departments using “Redline” equipment will be responsible for submitting a supplemental budget request to replace the older equipment during the next regular budget cycle or obtaining other funding to support replacement. A supplemental budget request for “Redline” equipment not recommended for approval in the budget will no longer be supported by IT.

4. Storage Media Destruction: When the useful life of storage media (e.g. hard/solid state drives, backup tapes) has passed, the City’s IT Department destroys the media or wipes the drives with a U.S. Department of Defense approved formatting scheme. This prevents important City data from getting into the wrong hands. All unused or obsolete storage media must be turned into the IT Department for disposal. Users should never dispose of storage media by throwing the media away.
 5. IT Hardware obtained as a gift, grant or other means: Unlike other forms of equipment, computers and related IT hardware represent a long-term resource commitment for administration, technical support, user support, software licensing costs, and upgrades. The initial procurement through gifts, grant funds and similar means are not “free” and should be subject to careful consideration. Any such devices must be approved by IT prior to being accepted for use by the City.
- I. Copyright Restriction: Any software or other material, including music, downloaded to a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the IT Director is required before introducing any software into the City’s computer system. Employees may not download entertainment software, games or any other software unrelated to their work.
 - J. Social Networking Policy: An employee’s use of social media, both on and off duty must not interfere with or conflict with the employee’s duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging, social media and blogging sites. Protecting the City’s reputation and ensuring that an employee’s communication with people outside the City not only reflects positively on the employee as an individual, but also on the City.

The City expects all employees to follow the guidelines below when posting City related information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, micro-blogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar

media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Electronic Communication Systems Policy. Violations of the City's Social Networking Policy may lead to disciplinary action. Employee complaints should be handled through the City's Grievance Policy.

- K. **Prohibited Technologies:** To protect against ongoing and emerging technological threats to the city's sensitive information and critical infrastructure, malicious technology threats, hardware, and software (referred hereinafter as "prohibited technologies") may be prohibited as determined necessary or mandated by state or federal law, policy, or guidance.
1. **City-Owned Devices:** Except where approved exceptions apply, the use or download of prohibited technologies in violation of policy on all city-owned devices, including cell phones, tablets, desktop, and laptop computers, and other internet-capable devices.
 2. **Personal Devices Used for City Business:** Employees may not install or operate prohibited technologies on any personal device used to conduct city business. City business includes accessing city-owned data, applications, email accounts, nonpublic-facing communications, city email, VoIP, SMS, video conferencing, Huntville.tx.gov, and other city databases or applications.
 3. **Unauthorized devices** such as personal cell phones, tablets, or laptops may not enter any location, physical or logical (such as video conferencing, or electronic meeting rooms), that is used to discuss confidential or sensitive information, including information technology configurations, criminal justice information, financial data, personally identifiable data, sensitive personal information, or any data protected by federal or state law).
 4. The software, hardware, and companies listed below are considered prohibited technologies. The inclusion of producers or providers of equipment or services identified on this list should be read to assume the inclusion of any unlisted subsidiaries and affiliates of the listed entities as well. This list is categorized for ease of viewing and is subject to change without notice:

Software/Applications/Developers
Alipay
ByteDance Ltd.
CamScanner
Kaspersky / AO Kaspersky Lab
QQ Wallet
SHAREit
Tencent Holdings Ltd.
TikTok
VMate
WeChat
WeChat Pay
WPS Office

Hardware/Equipment/Manufacturers
Dahua Technology Company
Huawei Technologies Company
Hangzhou Hikvision Digital Technology Company
Hytera Communications Corporation
SZ DJI Technology Company
ZTE Corporation
China Mobile International USA Inc.
China Telecom (Americas) Corp.
Pacific Network Corp.
China Unicom (Americas) Operations Limited

5. Compliance with this policy will be verified through various methods, including but not limited to IT/security system reports and feedback to appropriate leadership. An employee who violates this policy may be subject to disciplinary action, including termination of employment. This policy may be updated or modified at any time based on the Texas Department of Information Resources policy guidance (<https://dir.texas.gov/information-security/prohibited-technologies>) to ensure continued compliance.

6. Exceptions may be granted to enable law-enforcement investigations and other legitimate uses. The exceptions may be requested through the IT Helpdesk and must be approved by the IT Department and have appropriate executive-level approval. Exceptions will only be considered when the use of prohibited technologies is required for a specific business need, such as enabling criminal or civil investigations or sharing information with the public during an emergency. For personal devices used for city business, exceptions should be limited to extenuating circumstances and only granted for a predefined period. To the extent practicable, exception-based use should only be performed on devices not used for other city business and non-city networks. Cameras and microphones should be disabled on devices for the duration of the exception-based use.

- L. Multi-Factor Authentication (MFA): All users of the City of Huntsville’s information resources and systems must utilize the IT-approved method of secondary authentication to protect against unauthorized access (multi-factor authentication (MFA)), which primarily includes the use of an MFA app.
 1. Users must install and utilize the IT-approved MFA app on their personal or city-issued smartphone (if assigned one). It is publicly available through the Android and Apple app stores and does not require access to your private or personal data or information. As such, the City of Huntsville will not issue smartphones

- exclusively for users to use as multi-factor authentication devices.
2. If using a personal smartphone: The City of Huntsville only supports the MFA app rather than the smartphone itself. Each user is responsible for making sure their smartphone is in working condition. The City of Huntsville is not responsible for repairing or replacing the personal smartphones used as MFA devices or for any costs associated with data plan usage.
 3. Users are required to notify the IT Helpdesk when they change their smartphone device, even if they keep the same phone number. IT Helpdesk will assist users with registering their new smartphone device, if necessary.
 4. Users must leverage the electronic security provided by their smartphone, including but not limited to using a screen lock utility to access their smartphones (e.g., PIN, Password, or biometrics such as a fingerprint scan).
Enforcement: Individual information resources and systems access may be restricted if suspicious authentication activity is detected. Access may remain limited until the issue has been identified and resolved. Violations of MFA policies and procedures could result in the revocation of system access.

Employee Guidelines:

- Any blogging or posting of information on the Internet must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate State law and subject the user to criminal penalty. Requests for City documents must be processed through the Public Information Act as appropriate.
- Employees must abide by all Federal and State law and policies of the City with regard to information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- City employees must notify their supervisors and the IT Director or designee if they identify a City business need to create a social networking site or service to conduct City business, prior to the creation of such a site. All of the employee's time spent updating or posting on behalf of the City as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- Respect coworkers and the City. Do not put anything on your blog or post any information and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.

- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests. Remember that your personal and professional lives overlap in your online activity; thus, before posting, consider how your comment or behavior would be received if it appeared in the mass media. In other words, behave as if you are in any other public setting.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

12.10 Cell Phones

- A. Whether department issue or otherwise, the City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of these phones, including those with cameras and video, must not interfere with job duties or performance. As with desk phones, employees must not allow excessive or loud phone use to become disruptive or interfere with their own or someone else's ability to do their jobs.
- B. Except in emergencies, employees will not use cell phones without a hands free device while operating a City vehicle while on City business, including both making and receiving phone calls and texting. Other devices deemed by the Department to cause distractions or interfere with the performance of job duties, may not be utilized.
- C. Texting while driving is prohibited.
- D. Employees using City-issued cell phones or personal cell phones for City related business have no expectation of privacy in calls, pictures, videos, or text messages.
- E. Employees are advised that records related to calls, videos, online storage and text messages made and received on City-owned devices are public information. Information related to telephone numbers called, length of call, and time and date of call as well as pictures, video, texts or online storage may be obtainable as a public record.
- F. Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

12.11 Sexual and Other Forms of Harassment

- A. All employees are entitled to a workplace free of harassment by management,

supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing other employees, citizens, vendors, and all other third parties.

- B. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
 - 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
 - 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
 - 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

- C. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

- D. Harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

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

- F. Prohibited conduct also includes the sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via any electronic devices, media or the internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited.

- G. Reporting of harassment is strongly encouraged, regardless of the offender's identity or position. Employees who observe or otherwise learn of possible harassment in the workplace or who feel that harassment has occurred or has been subjected to conduct prohibited by this policy may report it to Human Resources or the City Manager's Office. Under this policy, employees may report to or contact the Director of Human Resources directly, without regard to the normal chain of command.
- H. Retaliation against employees who make good faith charges or reports of prohibited conduct or who assist in complaint investigations is prohibited. Acts of retaliation must be reported immediately as set out above.
- I. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.
- J. Employees are required to comply with an investigation under this or any other policy.
- K. All complaints of harassment will be promptly investigated under the guidance of Human Resources, the City Attorney, and/or by an outside investigator as determined by the City.

12.12 Dress Code and Uniforms

It is the policy of the City of Huntsville that each employee's dress, grooming, personal hygiene and appearance should be appropriate for the work situation. During business hours or when representing the City of Huntsville, employees are expected to present a professional, businesslike image. On certain days or occasions, employees are allowed to dress in a more casual fashion than normal, upon approval of the City Manager or Department Director. On these days or occasions, employees are still expected to present a neat, appropriate appearance, and must adhere to dress code standards.

Department Directors are responsible for establishing reasonable dress codes for their individual departments that are appropriate for the job being performed or the work situation, outside of an office environment. Certain employees may be required to wear uniforms. Employees required to wear uniforms must follow individual department guidelines regarding uniforms, which may include cleaning schedules, returning of uniforms, and the wearing of uniforms outside of the workplace.

For those employees wearing approved, City-furnished uniforms, the uniforms shall be relatively clean, and free from tears and rips. The City logo and employee's name shall remain visible and should not be covered up or shielded unless a jacket or sweater is worn over the uniform shirt because of weather conditions. Only proper names or pre-approved

“nicknames” will be used on City uniforms. Employees, who wear hats or caps during business hours or when representing the City, must wear City issued hats or caps only, and must be approved by the Department.

Any employee who does not meet the standards of this policy will be directed by the employee’s Manager/Supervisor or Department Director to take corrective action, which may include leaving the workplace until he/she is properly dressed or groomed. An employee’s failure to comply with this directive will be grounds for disciplinary action. The employee may not be compensated during time away from work to comply with this policy.

12.13 Arrests and Confinement

- A. Employees are required to notify their departments in the case of an arrest, confinement, or driving under the influence allegation.
- B. Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be “detained.” A detained employee, who fails to report to work at the employee’s regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, to report the detainment, arrest, confinement or indictment and reason. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.
- C. Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.
- D. Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.
- E. Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.
- F. Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or

misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Director of Human Resources. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

- G. Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:
 - 1. allowing the employee to return to regular duty with pay;
 - 2. allowing the employee to return to restricted duty with pay;
 - 3. placing the employee on paid administrative leave;
 - 4. placing the employee on unpaid administrative leave; or
 - 5. terminating the employee.
- H. Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.
- I. Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city wide policies.

12.14 Tobacco Use

- A. Employees are prohibited from using any type of tobacco in any City building, and other facilities, in City vehicles, and while using City equipment. Tobacco is defined as cigars, cigarettes, electronic cigarettes, or any type of smokeless tobacco.
- B. Employees may smoke or use smokeless tobacco in designated areas only.
- C. Departments which provide regularly scheduled work breaks are not required to provide tobacco-use breaks in addition to regularly scheduled work breaks.

12.15 City Property

- A. The City attempts to provide employees with adequate tools, equipment, vehicles and

facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

1. From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.
 2. Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.
- B. Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.
- C. Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.
- D. Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Manager or Department Director. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties approved by the Department. Public Safety employees should refer to Departmental policy.
- E. The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law.

Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and Fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

F. Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

1. Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
2. Always observe all posted laws and speed limits.
3. Always wear seat belts when the vehicle is in operation.
4. No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
5. No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
6. All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
7. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
8. All drivers must be eligible for coverage under the City's insurance policy.
9. AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.
10. EMPLOYEES INVOLVED IN A COLLISION WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT DIRECTOR, AND/OR CITY MANAGER. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE

EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE DIRECTOR OF HUMAN RESOURCES.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

G. All employees shall be solely responsible for their personal property at all times.

12.16 Weapons Control and Violence Prevention Policy

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

- A. Zero Tolerance: This policy prohibits harassment, intimidation, threats, and violent behavior by or towards anyone in the workplace, that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero tolerance policy for this type of misconduct.
- B. Weapons Banned: Unless specifically authorized by the City Manager, no employee, other than a licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty. Prohibited weapons include firearms, clubs, explosive devices, or knives with blades exceeding 5 ½ inches. Employees do not have an expectation of privacy, and the City retains the right to search for firearms or other weapons on City property.

Employees licensed by the State of Texas to carry a concealed weapon may have a permitted weapon only on the City parking lot, parking garage or parking area, if it is locked in the employee's vehicle. This would also apply to any "open carry" provision in the law.

- C. Mandatory Reporting: Each City employee must immediately notify his/her supervisor, Department Director, the Director of Human Resources and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received.

Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Director of Human Resources.

- D. Protective Orders: Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Director of Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.
- E. Confidentiality: To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.
- F. City Property: For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.
- G. Documentation: When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/or the Police Department.
- H. Policy Violations: Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

XIII. Drug Free Workplace

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13.01 Prohibition Against Alcohol and Illegal and Unauthorized Drugs

- A. It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.
- B. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.
- C. The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle or City vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.
- D. Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.
- E. Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.
- F. Police Department Employees. Certain Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such

employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

- G. **Mandatory Disclosure by Employees.** Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.
- H. **On-Call Employees.** Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.
- I. **Mandatory Reporting of Arrests and Convictions.** Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction. Refer to section 12.13.
- J. **Off-Duty Conduct.** The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 BAC or higher) may be disciplined, up to and including termination.

13.02 Rehabilitation/Treatment

- A. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.

B. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include:

1. the length of the employee's employment with the City;
2. the employee's prior work and disciplinary history;
3. the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program;
4. the reputation of the program and the likelihood of a successful outcome;
5. the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and
6. the resulting hardship on the City due to the employee's absence.

Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

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

D. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

E. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

1. Initial negative test for drugs and/or alcohol before returning to work;
2. A written release to return to work from the City-approved rehabilitation or treatment facility/program;

3. Employees will be required to sign a HIPAA release for the purpose of periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
4. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment; and,
5. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

13.03 Policy Violations

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

13.04 Testing

- A. Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedure.
- B. Testing of Applicants. All applicants for employment to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.
- C. Testing of Employees.
 1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in

connection with any required treatment or rehabilitation. Supervisors must coordinate all testing with the Human Resources Director or designee.

2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the City's Drug and Alcohol Use Policy and will result in termination of employment.
7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

D. Testing Procedures.

1. All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an

employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on paid administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

13.05 DOT Drug and Alcohol Policy

Employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in "FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAM."

Human Resources and the hiring Supervisor will advise the employee if the employee is subject to DOT testing and of the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Policy. This DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's General Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

Employees required by DOT to hold a CDL, due to the type of equipment they operate, must be certified by Human Resources prior to performing the covered functions under this policy, and are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment. Employees required to hold a CDL for their position will be subject to random testing, reasonable suspicion testing, and post-accident testing. Post-accident testing will be conducted in accordance with 49 CFR Part 382.303.

XIV. Discipline Process

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14.01 At-will Employment

- A. At-will employment is not affected by any progressive discipline process.
- B. Employment with the City is at-will and either the employee or the employer may terminate the relationship at any time for any reason not contrary to law or no reason at all. Any employee of the City may be removed with or without cause. This removal power is subject to any exceptions in the City Charter.
- C. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees.
- D. Nothing in this policy manual is intended to change or modify the at will status of City employees or to create or confer any property rights or expectations of continued employment to any employee.

14.02 Progressive Discipline

- A. The City may use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge without the use of prior disciplinary steps, depending upon the severity of the conduct, prior work performance and prior disciplinary history, length of service, and any mitigating circumstances.
- B. Disciplinary action may consist of any of the steps identified below. Police and fire employees are also subject to the provisions of Chapter 614 Subchapter B in the Local Government Code.
 - 1. Verbal warning or counseling
 - 2. Written warning or reprimand
 - 3. Suspension with or without pay
 - 4. Probation
 - 5. Last Chance Agreement
 - 6. Demotion
 - 7. Discharge
- C. All forms of discipline, other than verbal warnings, must be documented and will be placed in the employee's official file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to Human Resources for review prior to taking the action.

14.03 Supervisor Responsibilities

- A. All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document subordinate job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline subordinates as required under their departmental and City policies and procedures, as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

14.04 Human Resources Review

- A. Proposed disciplinary actions in excess of verbal warnings should be reviewed by Human Resources prior to being given to the employee. This applies to both employees serving their initial orientation periods and regular employees who have completed their initial orientation periods.
- B. Proposed disciplinary actions consisting of suspensions or above (demotion, discharge or other) must be reviewed by Human Resources. This applies to both employees serving in their initial orientation periods and regular employees who have completed the initial orientation periods.

14.05 Employee Discharge Processing

- A. Department Directors must approve all disciplinary actions and coordinate with Human Resources to ensure proper documentation. Two supervisors or the supervisor and a representative from Human Resources must be present during employee terminations.
- B. Exiting employees must schedule an appointment with Human Resources for completion of final paperwork regarding return of City property, final pay and benefits.

14.06 Appeals of Discipline

- A. All employees are employed "at will." In cases where disciplinary actions involve suspension, demotion or discharge, employees normally are provided an opportunity to respond to the allegations prior to disciplinary action. Employees may request a review by the next level supervisor up to review by the City Manager. However, positions classified at the director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination.
- B. Employees serving their initial orientation periods have no right of appeal for disciplinary action taken against them, including termination.

14.07 Prohibited Activities

- A. Disciplinary action will be imposed for violations of City or department policies and procedures, codes of conduct, and rules and regulations, either written or verbal.
- B. Disciplinary action will be imposed for acts not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, as they may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties at risk.
- C. As it is impossible to list all forms of behaviors considered unacceptable in the workplace, the following is a list of examples which will likely result in disciplinary action, up to and including termination of employment.
 - 1. Theft or inappropriate removal or use of City property or other property not belonging to employees
 - 2. Falsification of time worked or other records, including applications
 - 3. Working under the influence or a presence in the system of alcohol or illegal drugs, or not reporting to supervisor medications that may influence ability to complete tasks or job duties safely
 - 4. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned or leased equipment (unless authorized under section 13.01)
 - 5. Violation of the sexual or other unlawful harassment policy
 - 6. Interfering with work schedules or another employee's ability to work
 - 7. Misuse of phones, computers, mail systems, internet, social media, etc.
 - 8. Excessive or unscheduled absenteeism, tardiness, breaks or absences without notice or approval
 - 9. Breaks in excess of the allotted time allowed
 - 10. Violation of safety or health rules
 - 11. Failure to report accidents or injuries
 - 12. Profanity, abusive language or racial or sexist slurs

13. Disclosure of confidential information
14. Violation of City or department policies, code of conduct, rules and procedures, or City Charter
15. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials or others
16. Making or publishing false, vicious, or malicious statements about the City, employees, citizens or others
17. Discourteous treatment of the public
18. Unsatisfactory performance or conduct, inefficiency, incompetence or neglect of duty
19. Fighting, provoking or instigating a fight or threatening violence, or other disruptive activities
20. Engaging in work stoppages
21. Conduct resulting in waste or damage of another employee's, City, or citizen owned property
22. Insubordination, disrespectful or unprofessional conduct, discourteous treatment of the public
23. Unauthorized possession of weapons on City time, on City premises or while on City business (except licensed peace officers required to carry a weapon as part of the job duties or employees with a legally permitted weapon locked in their personal vehicle)
24. Violations of local, state or federal law
25. Conviction of a felony
26. Failure to report to work upon conclusion of authorized leave or disciplinary action
27. Outside employment conflicting with City interests
28. Acceptance of payment of any kind for activities related to City employment
29. Refusal or failure to follow directives

30. Sleeping on the job (except for fire Department personnel who are governed by applicable Fire Department Rules and Regulations)
31. Dishonesty, including misrepresentation during the hiring process
32. Disruptive activity in the workplace
33. Accumulation of minor infractions

14.08 Pre-Disciplinary Process

- A. Prior to any suspension, demotion or termination, employees will be provided, in writing, an outline of the rule violations, conduct or behavior leading up to the proposed disciplinary action. Subsequently, the employee will be provided an opportunity to respond, in writing, to the conduct leading up to the proposed disciplinary action.
- B. During any investigation of any conduct or behavior which may result in discipline, employees may be placed on administrative leave at the City's sole discretion. This leave may be with or without pay, or may be charged to available accrued leave if authorized by the City Manager.

XV. Appeals and Grievances

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15.01 Appeals and Grievances Definitions

- A. An appeal is a formal process whereby employees may dispute disciplinary actions above the written reprimand level. Employees may appeal disciplinary actions through this process.
- B. A grievance is a formal process whereby employees may complain about perceived inconsistent or unlawful treatment, inconsistent interpretation or application of City or department policies, procedures or practices, and retaliation. Employees may file grievances through this process.

15.02 Grievance Process

- A. Employees desiring to submit complaints or grievances must first discuss them with their immediate supervisor or Director as appropriate.
- B. If the matter is not resolved to the satisfaction of the employee, the employee must discuss the matter with the Department Director. Matters submitted to the employee's Department Director must be submitted in writing within three (3) business days of receiving the verbal response from the supervisor.
- C. Department Directors must respond, in writing, to the grieving employees, within five (5) business days of receipt the grievance. If circumstances require an extension of the five days, the Director must communicate to the employee the reason and agree on a time line for response.
- D. If the matter is not resolved to the satisfaction of the employee, and the employee desires to forward the issue to the City Manager, the employee must present the matter to the Director of Human Resources, in writing, within three (3) business days of receiving the response from the Department Director. Employees must state: 1) the basis of the grievance, 2) why the Department Director's response is not satisfactory and 3) the employee's desire to have the grievance considered by the City Manager. Upon receipt of the grievance, the Director of Human Resources will forward the written grievance to the City Manager.
- E. At the discretion of the City Manager, a review or investigation of the grievance may be conducted.
- F. The decision of the City Manager is final.

15.03 Response to a Written Reprimand and Below

- A. Employees may write a response to a written reprimand and have it filed in the personnel file with the original disciplinary document.

15.04 Appeals Process for Actions above Written Reprimand

- A. All disciplinary actions above the written reprimand level (suspension, demotion, discharge, etc.) must be forwarded to the Department Director within three (3) business days of the action for review. Employees may request review of the Department Director's decision to the City Manager. Therefore, appeal for relief to the City Manager must be submitted in writing to the Director of Human Resources, within three (3) business days of the action. In requesting the appeal, employees must state: 1) the reason for the appeal, 2) requested resolution and 3) a desire to have the appeal considered by the City Manager.
- B. At the discretion of the City Manager, a review or investigation of the appeal may be conducted.
- C. The decision of the City Manager is final.
- D. If the decision through the appeal process is reinstatement, the employee's pay will be restored and the employee may be paid for any time lost through the appeals process. The original documentation will be placed in the employee's personnel file along with the final decision of the City Manager.

XVI. Employee Separation

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16.01 Voluntary Separation

- A. Voluntary separation, in the form of termination by resignation or retirement, occurs when employees voluntarily resign with a written two week notice stating the final working day and the reason for the resignation. Employees who provide such notice will be determined to have left in good standing. It is understood that, in most Director level positions, generally a longer notice period is acceptable practice.
- B. Departments will retain responsibility for gathering all keys, phones, equipment, badges and other items for which the exiting employees are responsible, and ending electronic access to systems and programs.
- C. Payouts will include all time and accruals based on current policy, which are identified in a separate section of this policy.

16.02 Involuntary Separation

- A. Involuntary separation may be in the form of disciplinary termination, termination for incapacity, job abandonment, or reduction in force or death.
- B. Dismissal/Termination. The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails to successfully complete the orientation period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.
- C. Dismissal may also occur for the following:
 - 1. Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for two or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be considered to have resigned from the position.
 - 2. Long-Term Absence. Leave of absence may be granted if it is a reasonable accommodation justified by medical necessity and doesn't create an undue hardship on the City. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.
 - 3. Incapacity. An employee may be terminated for incapacity when after engaging in communication with Human Resources, they no longer meet the physical or mental requirement of the job with or without accommodations. A termination for

incapacity is not considered a disciplinary action. The employee may then elect to receive accrued vacation and sick leave benefits if provided by policy, if any, payable upon termination.

4. Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.
 5. Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.
- D. Departments will retain responsibility for gathering all keys, phones, equipment, badges and other items for which the exiting employees are responsible, and ending electronic access to systems and programs.
 - E. Payouts will include all time and accruals based on current policy, which are identified in a separate section of this policy.
 - F. Employees who are involuntarily separated due to disciplinary actions and who are unsuccessful in any appeal process will retain the original termination date.

16.03 Reduction in Force

- A. The policy of the City of Huntsville is to ensure departments and divisions are staffed with adequate personnel to provide effective and efficient delivery of services to the citizens. When economic or other conditions create funding difficulties which may necessitate reduction in delivery of services to the citizens, the City may be required to reduce staffing levels in certain departments or divisions. This policy applies to all regular full-time employees at the City, including police officers and fire fighters.
- B. Department Directors may reduce the work force in their respective departments by laying off an employee by reason of abolition of position, changes in services, shortage of work or funds or other reasons outside the employee's control which do not reflect discredit on the work performance of the employee. Reduction in force is not considered disciplinary. All recommended reduction in force and reorganization decisions must be discussed with Human Resources. An employee whose position has been eliminated in one department or division may be transferred to a comparable position elsewhere in the City, if such position is available and the employee meets the minimum qualifications of the new position. Compensation may be adjusted accordingly. The City cannot guarantee the employee another position.

If layoffs are required, the decisions will be determined by the current operating needs of the City with consideration given to other job related criteria.

- C. Severance pay is based on the number of full, continuous, non-interrupted years of service with the City, as described below. An employee may receive up to a maximum of seven (7) weeks of pay:

<u>Years of Service</u>	<u>Benefit (Hours of Severance Pay)</u>
< 1 year	1 week (40 hours)
1 – 2 years	10 days (80 hours)
3 – 5 years	15 days (120 hours)
6 – 8 years	20 days (160 hours)
9 –12 years	25 days (200 hours)
13 – 15 years	30 days (240 hours)
Over 16 years	35 days (280 hours)

Any other benefits which the employee is eligible upon separation will be paid in accordance with those policies.

- D. Re-employment Benefits. If a laid-off employee successfully completes the application process and is rehired with the City within six (6) months after the effective date of the lay-off, that employee will be reinstated with the same level benefits documented at the time of lay-off. Any employees rehired with over a six (6) month break in service will be considered as any other new employee. The term of the separation may not be used toward the employee’s retirement eligibility, and no contributions will be made by the employee or the City for this term.

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17.01 Attendance Standards

- A. To maintain a high level of responsiveness to the needs of citizens and other employees, departments will establish and maintain standard working hours for employees. It is the responsibility of all employees to follow established work hours, avoid tardiness and unauthorized absences, and follow department reporting requirements.
- B. The City reserves the right to establish official work hours for any position. Department Directors may provide alternate work schedules to meet department or individual needs, as appropriate.

17.02 Hours of Work

- A. Each department will establish and define the normal work week or in the case of police and fire, the normal work period. Human Resources must review for compliance with the Fair Labor Standards Act (FLSA) prior to implementation.
- B. Directors may define different workweeks and work periods for different employees or groups of employees provided Human Resources has reviewed for compliance with FLSA. These may include flexible working arrangements.
- C. Hours worked is defined as the time the department requires or permits non-exempt employees to be on duty.

17.03 Additional Work

- A. When necessary or required by the department, employees may be required to work hours in excess of official hours. Such assignments may be rotated and allocated among employees, and may be granted for a specific period of time, or on an ongoing basis, as circumstances warrant.
- B. Unless approved in advance by the immediate supervisor, non-exempt employees completing work or tasks at any time other than authorized work hours, is prohibited. Examples include working before or after regular working hours, taking work home, and updating official social media sites after hours.
- C. Employees working unauthorized work hours or overtime may be subject to disciplinary action.

17.04 Job Abandonment

Employees who fail to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for two or more

consecutive days, the City will normally consider the employee to have abandoned employment and resigned their position.

17.05 Inclement Weather

- A. Except for extraordinary circumstances, City offices will remain open. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.
- B. If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to accrued time with the exception of sick leave. Regular full-time and part-time non-exempt employees who are unable to flex their time and who have no eligible accrued time available will not be paid for the time missed.
- C. The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.
- D. When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment. Department Directors will establish essential and/or non-essential personnel based on the specific emergency or tasks required.
- E. During the time of closure, those non-exempt employees who are required to report to work will receive compensation at time and one-half for the hours worked during the time of closure, up to the amount of administrative leave given to other employees. All other overtime or comp time rules will apply as required by law or policy.

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18.01 Coronavirus (Covid-19) Leave

- A. Employees no longer need to quarantine if they have been exposed to someone with COVID unless they develop symptoms.
- B. If you are experiencing symptoms associated with COVID-19 (fever, dry cough, shortness of breath), call your healthcare provider immediately for medical advice.
- C. If an employee tests positive for COVID, the employee needs to be out of work for 5 days and symptom free for 24 hours before returning to work.
- D. All absences or requests for absence related to COVID-19 must be reported to the Department Director and the HR Director.
- E. Allow accrual of compensatory time not to exceed 80 hours to applicable employees.
- F. All questions related to COVID-19 leave policies must be directed to the HR Department.

18.02 Family First Coronavirus Response Act (FFCRA)

The FFCRA will be effective April 1, 2020. This law requires us to provide employees with paid sick leave and expanded family and medical leave (FMLA) for specified reasons related to COVID-19.

The FFCRA Poster (located on the intranet) from the Department of Labor explains the specific provisions of the new law.

There are two components to the FFCRA:

Emergency Paid Sick Leave and Emergency Family Medical Leave Expansion

1. Emergency paid sick leave: All employees classified as part-time or full-time will be eligible for emergency paid sick leave at their regular rate of pay based on the criteria listed on the poster. There are instances where this leave will only pay 2/3's of your salary up to \$200 per day, specifically for childcare due to school or day care closures, or to care for an individual subject to a quarantine under.
2. All employees classified as part-time or full-time, *except* emergency responders (sworn Police and Fire employees) are eligible for expanded FMLA due to the need to care for children due to school or daycare closures. This is paid at 2/3's your regular rate, up to \$200 per day for up to 10 weeks. Emergency sick leave may be used for the first two weeks for a total of 12 weeks. All time used under this law for FMLA purposes related to school or day care closures is paid at 2/3's of your regular rate of

pay.

Employees who are requesting either emergency paid sick leave or emergency FMLA must notify their Department Director or designee and the HR Department in advance of utilizing this leave. The Department of Labor requires written notification of the need for this leave. Forms are available from Human Resources or on the City's internet.

18.03 Coronavirus (COVID-19) Emergency Administrative Leave

The President has just signed the Families First Coronavirus Response Act. This Act will provide funding for emergency paid sick leave and emergency family and medical leave to assist with childcare. This Act will allow the City to get reimbursed for this leave. The Act does not go into effect until April 2, 2020.

I understand that some of you already have a need for this type of leave. To assist our employees until the Federal regulation starts, I am authorizing up to 80 hours of Emergency Administrative Leave. This leave can be used if you need to take care of your children due to school or daycare facility closures. To use this leave for childcare purposes as described above, all other available leave must be exhausted first, to include sick leave.

As defined by the CDC, if you have a need to be absent from work due to COVID-19 related reasons, this leave could be used. You do not have to exhaust your other available leave first in order to use this leave for COVID-19 related reasons as listed in CDC guidelines.

Employees who need to utilize this emergency administrative leave must contact the HR Department in advance to ensure that all criteria are met. The City Manager must approve all requests.

18.04 Employee Paid Quarantine Leave

The purpose of this policy is to provide for and maintain employment benefits for certain employees who are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This policy applies to Police Officers, Firefighters, and Volunteer Firefighters.

The paid leave benefits provided by this policy are only available to an employee who is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. Department Directors will approve the use of this leave based on orders or protocols established by the local health authority. An employee may be requested to provide proof of an order to quarantine and may be denied paid leave or benefits if the employee fails to provide proof within a reasonable time.

If an employee is ordered to quarantine, the employee will receive all employment benefits

and compensation for the duration of the leave, including paid leave accrual, retirement benefits, and health benefits that the employee would customarily be provided on paid leave.

If an employee is ordered to quarantine, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation by submitting a reimbursement request to Human Resources within five (5) days after returning from the leave ordered under this policy. An employee may be requested to provide receipts or proof of payment with the request and may be denied reimbursement if the City deems the expenses to be unreasonable or unrelated to the quarantine.

The City will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balances for quarantine under this policy.

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1.01 Purchasing Handbook

Glossary of Terms

Addendum: a written instrument issued by the City that modifies or clarifies a solicitation prior to the Due Date.

Annual Blanket/Open Purchase Orders: Purchases made routinely throughout the year and are typically used year to year and in many instances are used city wide. They are fixed price agreement throughout the life of the agreement. This process eliminates the necessity of obtaining multiple POs for the same goods or services, i.e., periodic purchase of sack concrete which is used in multiple departments.

Best Value: An assessment and/or award based on analysis of the total life cycle of the item. Combination criteria which can be used are: price, quality of item, location of responder, safety record of responder, past relationship with responder, and/or any relevant criteria specifically listed.

Bonds:

- Bid Bond – A bond required of a contractor that ensure that the contractor will enter into the contract with the City.
- Payment Bond – A bond required that ensures that all suppliers and labors of the contract will be paid for goods and services supplied in the course of the contract. Required for all public work projects in excess of \$50,000.
- Performance Bond – A bond required that guarantees a vendor’s performance should the vendor default and/or terminate during the execution of the contract. Required for public work projects in excess of \$100,000. (Also called a completion bond)

Capital Assets: Assets which when originally purchased had a value/cost which is over \$5,000. A City of Huntsville Addition to Asset Form and asset number are required.

Change Orders: A request to make changes to the contracted scope of work of specifications, primarily due to changes caused by unanticipated conditions, increase or decrease.
Component Purchases: The purchase of individual goods of an item that in the normal purchasing practices would be purchased in one purchase and the original item was previously bid.

Due Date: The date and time specified for receipt of quote/response.

Emergency Purchase: Purchases that are made to meet a critical or unforeseen need of the City, where the City’s ability to protect the public’s safety and welfare would be impaired if the purchase was not made immediately.

Encumbrance: The process in which the City reserves funds for the purchase of goods or services, in one budgetary accounting period.

Formal Procedure: A solicitation in which the response is to be delivered to the City Secretary's office in a sealed envelope. The solicitation opening is attended by the requesting department and purchasing. City purchases over \$50,000 follow the formal procedure.

Historically Underutilized Businesses HUBs: Generally refers to minority, and/or women-owned business. If a purchase is \$3,000 or greater but less than \$50,000, the department shall contact at least two historically underutilized businesses on a rotation based from information provided by the State Comptroller. If the list fails to identify a HUB in Walker County, the City is exempt.

Informal Procedure: A solicitation in which the response is delivered to the requesting department. The responses may be received electronically, facsimile, and/or delivered.

Individual One Time Purchase: Purchases made at the Department level which is typically purchased one time per fiscal year.

Piggyback Cooperative: a form of an intergovernmental cooperative which an entity will extend the pricing and terms of their contract to another governmental entity.

Professional Services: Services rendered by a person or a firm that requires years of education and service for one to attain competence and which calls for a high order of skill and/or learning. Professional Services include: accounting, architecture, engineering, medial, real estate, and surveyor.

Purchase Order: The City's written document which is submitted to a vendor formalizing all the terms and conditions of the transaction.

Request for Proposal (RFP): A type of solicitation in which the potential responders make an offer to the City based on selected criteria. The solicitation is written in the context of best value for the City. The terms and conditions can be negotiated between the responder and the City.

Request for Qualifications (RFQ): A type of solicitation in which the responder meets the definition of a Professional Service. Award based on the most qualified responding firm.
Responsible Responder: A responder who is fully capable to meet all the requirements of a Solicitation and/or contract, i.e. a responder who complies with the minimum standards of solicitation.

Responsive Responder: A responder who has submitted a bid/offer which conforms to the Requests within, i.e. a responder who has signed the solicitation document and all the forms included.

Separate Purchases: Purchase of items or services made separately that in normal purchasing Practices would be purchased in one purchase.

Sole Source: Purchases of goods or services that are available from only one supplier.

Subcontractor: Any person or business enterprise providing goods, labor, and/or services to a vendor if such goods, equipment, labor, and/or services are procured or used in fulfillment of the vendor's obligations arising from a contract with the City.

Term Purchase Order: A type of PO established for a specified time for goods or services.

Value Engineering: A technique by which a contractor may 1) voluntarily suggest methods for performing more economically and may share in any resulting savings 2) be required to establish a program or identify and submit methods for performing more economically.

Vendor/Contractor: Person or business enterprise providing goods, equipment, labor, and/or services to the City as fulfillment of obligations from an agreement or purchase order.

1.02 Purchasing Policy

This manual contains the policies for purchasing related activities. Its purpose is to provide guidance and instruction for all employees as well as a reference for staff and management.

The purpose of the Purchasing Department is to provide a systematic and efficient procurement and surplus disposition for all City operations, enabling staff to have the necessary equipment and supplies needed to be as efficient as possible in their service to the citizens of Huntsville.

Legal and organization changes, as well as, operational improvements will bring about policy and procedural changes and revisions to this policy. Updates will be issued that reflect these changes in order to keep this policy current. This policy is provided as a white paper in the purchasing office as well as available on the City of Huntsville's internet and intranet.

If you cannot find an answer to your questions(s) or need additional information not found in the policy, please stop by the Purchasing Office or contact us and we will be of assistance. This policy cannot address every situation. When an unusual situation or a difficult legal problem occurs, the City Manager may approve exceptions to this Policy.

1.0 Governing Authority

The primary governing authority for the City of Huntsville's Purchasing Policy shall be the City Charter in conjunction with the Local Government Code. All procurement activity shall be governed by the City of Huntsville Purchasing Policy, City Charter, City Fiscal and Budget Policies, and in accordance with applicable state and local government codes to include but not limited to follow all Federal Procurement 2 CFR §200.318-§200.327.

All purchase approval(s) of the City vest in the City Council, for purchases of \$50,000 or more. Authority for purchasing of goods and services is delegated to the City Manager provided the purchase does not exceed \$50,000.

To ensure proper oversight, all purchases and requisitions in excess of \$25,000 but not more than \$50,000 shall be reported to City Council, reference Ordinance 2010-9.

2.0 Purchasing Code of Ethics

We Will:

- Eliminate personal aggrandizement this is dishonest and a misuse of public trust; Eliminate all conflicts of interest; Conduct ourselves in a manner that maintains personal honor and professional integrity; Maintain transparency by communicating all of our

operations and actions; Attend technical and professional training to maintain government compliance with all federal, state, and local statutes, rules, and regulations; Eliminate tasks or processes that create a lack of fairness or displays partiality; and Eliminate the acceptance of gifts or making personal purchases based on business relationships, because it is considered dishonest and a misuse of our professional position. • •

3.0 Objectives

The Purchasing Department is responsible for assisting and consulting with City Departments in complying with federal, state and local statutes regulating competitive sealed bids, competitive sealed proposals, professional services, cooperative purchases, emergency and sole/one source purchases. The Purchasing Department shall assist all departments in solicitations in which the total project or individual purchase is in excess of \$50,000. The user departments shall make recommendations to the Mayor and City Council.

The Purchasing Department is a functional support department and should be included in all prepurchase planning meetings for purchases less than \$50,000. This is to ensure compliance with the State of Texas competitive bid statutes and the City's purchasing policies. The Purchasing staff issues solicitations and purchase order (PO's) in a timely manner. The Purchasing Department will assist at any stage of the purchasing process as requested.

3.1 General Duties of the Purchasing Department

- Observe and enforce the policy and procedures outlined in the City of Huntsville Purchasing Policy or as directed by the City Manager or his/her designee;
- Support, organize and assist departments in the specification writing, so that specifications are written concisely and are not written in an exclusive manner;
- Join with other governmental agencies in cooperative purchasing plans when it is in the best interest of the City;
- Attend formal solicitation pre-opening and opening meetings and assist as requested;
- Act in an advisory role as a non-voting member on evaluation committees;
- Assist in preparing and coordinating solicitation results, with user department director reporting recommended award of competitive solicitations to City Council;
- Combine purchase of similar items whenever possible and practical, to allow for better pricing and establish a more competitive atmosphere;
- Assist department heads in the disposition of scrap materials and properly dispose of City assets and/or property;
- Conduct regular training sessions for staff involved in the purchasing process;
- To recommend to the Director of Finance, City Manager and City Council those

policies and/or procedures which are required to safeguard public funds while acquiring goods and services necessary to provide the citizens and vendors with a complete trust of the purchasing process; and

- To ensure responsible vendors are given a fair opportunity to compete for the City's business by using transparent methods and/or practices and by using specifications which encourages competition.

4.0 Competitive Purchasing Requirements

Under no circumstances shall multiple requisitions be used in combination to avoid other applicable bidding requirements or City Council approval.

Historically Underutilized Business, (HUBs) Local Government Code Chapter 252.0215 - Competitive bidding in relation to HUB vendors states that a municipality in making an expenditure of more than \$3,000 but less than \$50,000 shall contact at least two historically underutilized business on a rotating basis, based on information provided by the comptroller pursuant to Texas Government Code, Chapter 2161. If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt from this section.

Refer to Local Government Code 252.0215

4.1 Procedures for Purchases less than \$3,000

The user Department Director and/or designee approves all purchases. Purchases can be made utilizing a procurement card, direct billing or with a purchase order.

4.2 Procedures for Purchases of \$3,000 to less than \$8,000

The Departments are to gain three quotes, either verbal or written. The Department Director must approve all purchase requisitions. The requisition is set to the Purchasing Department for issuance of a purchase order. Once a purchase order is issued, the user department places the order and/or picks up the materials. The Purchasing Department shall assist at any stage of the process as requested.

4.3 Procedures for Purchases of \$8,000 to less than \$50,000

The user Department Director and/or designee gains three written quotes. The Department Director and City Manager approves all purchase requisitions. The requisition is sent to purchasing for issuance of a purchase order. Once a purchase order is issued the user department places the order and/or picks up

the materials. The Purchasing Department shall assist at any stage of the process as requested.

4.4 Procedures for Purchases of \$50,000 and over

Unless otherwise exempted by applicable State Law, solicitation whose aggregate total cost is \$50,000 or more, must be processed as a competitive solicitation. The purchasing process for all purchases of \$50,000 and over must begin with a conference between the Department Director and the Purchasing Manager. Texas Local Government Code, Subchapter B, Section 252.021 defines the requirements for competitive bids. Purchases of \$50,000 and over will be taken to City Council as a Financial Transaction. The user Department Director shall be responsible for recommendation and preparation to City Council.

Texas Local Government Code, Section 252.062, states:

- a) A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential or component purchases to avoid the competitive bidding requirements of Section 252.021. An offense under this subsection is a Class B Misdemeanor.
- b) A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates Section 252.021 other than by conduct described by Subsection (a). An offense under this subsection is a Class B Misdemeanor.
- c) A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates this chapter, other than by conduct describe by subsection (a) or (b). An offense under this subsection is a Class C Misdemeanor.

4.5 Award Contract

The City of Huntsville shall award based on criteria deemed in the best interest/value of the City.

Texas Local Government Code, Section 252.043, states in part:

- a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.
- b) Before awarding a contract under this section, a municipality must indicate in

the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

4.6 Professional Services

Personal and professional services are exempted from the competitive bidding process, and may be procured through the use of Request for Qualification (RFQ) documents. The Purchasing

Department is available to consult with departments regarding the preparation of information;

however, the presentation of technical and qualifications aspects of personal and/or professional services included in the RFQ documents is the sole responsibility of the requesting department.

a) Texas Government Code, Chapter 2254, Professional and Consulting Services: states in part that contracts for the procurement of defined professional services may not be awarded on the basis of competitive bids. Instead, they must be awarded on the basis:

- Of demonstrated competence and qualifications to perform the services;
- For a fair and reasonable price; and
- May not exceed any maximum provided by law

b) Professional Services for the purpose of Texas Government Code, Chapter 2254 are defined as those services within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing or provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect a landscape architect, and land surveyor, a physician, including surgeon, an optometrist or a professional engineer, a state certified or stated licensed real estate appraiser or registered nurse.

4.7 Information Technology

All requests for computer equipment, software, telecommunications and/or related services or supplies should be submitted to the Information Technology (IT) Director for review or technical evaluation. The IT Director will determine compatibility, best source or investigate alternatives and will recommend purchase. No purchase for computer related equipment or supplies are allowed without the IT Director's approval.

4.8 Grant Funding

All requests for grants are to be approved by the Grants Manager, City Manager and/or City Council. The awarded department is encouraged to contact the Grants Manager prior to beginning the purchasing process.

4.9 Federal Grant Purchase Methods and Procedures

Federal Procurement 2 CFR §200.318-§200.327 provides for five methods that must be used when making purchases with Federal funds. In some cases, the Federal methods are more restrictive than State requirements; in other cases, the State requirements are more restrictive than these Federal methods. In all cases, the City of Huntsville affirms the more restrictive requirements or methods must be followed when making purchases with Federal funds.

The type of purchase method and procedures required depends on the cost (and type, in some cases) of the item(s) or services being purchased.

- Micro-purchases
- Small purchase procedures
- Sealed bids
- Competitive proposals
- Noncompetitive proposals (sole source)

Micro-Purchases (Purchase up to \$3,000.00)

Federal methods provide for procurement by micro-purchase. Micro-purchase is defined in 2 CFR § 200.320(a) as a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,000.00. The micro-purchase method is used in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost.

The City of Huntsville utilizes the micro-purchase method for acquiring supplies or services that to no exceed an aggregate amount of \$3,000.00 if the price is reasonable. The program manager responsible for the Federal award determines if the price is reasonable.

Quotes are not required but encouraged. If quotes are obtained for items under \$3,500.00, they should be kept in the department and attached to the requisition.

Small Purchases Procedures (Purchase between \$3,000.01 - \$149,999.99 in the Aggregate)

The Federal threshold for small purchase procedures is \$150,000.00 2 CFR § 200.320(b).

Small purchase procedures (as defined in 2 CFR § 200.320(b)) may be used in those relatively simple and informal procurement methods for securing non-personal contracted services, supplies, or other property that do not cost more than \$149,999.99.

For purchases funded from local funds, to obtain the most competitive price, the City of Huntsville, may, at its option, obtaining price quotes for items costing less than \$150,000.00. Unlike the mandatory competitive procurement described for purchase over \$150,000.00, if an item to be paid from local funds costs less than \$150,000.00, the City of Huntsville may utilize price quotations or competitive procurement process (purchasing cooperatives, sole source, an existing RFP/bid or a new RFP/bid) to stimulate competition and to attempt to receive the most favorable pricing.

However, if using State or Federal funds to purchase goods or services, price or rate quotations must be obtained from an adequate number of qualified sources for all purchases between \$3,000.01 and \$49,999.99 or use the competitive procurement process. The City of Huntsville must obtain more than one price or rate quote unless using a purchasing cooperative, existing Bid/RFP or sole source vendor, in which case, the prices have already been awarded. If purchasing from a purchasing cooperative or existing Bid/RFP, the departments can elect to obtain only one quote to purchase the goods and services although it is recommended to obtain more than one quote. Such price or rate quotations may be obtained orally and/or documented in writing, and the City of Huntsville must demonstrate that price or rate quotations were obtained from an adequate number of qualified sources.

Purchases \$150,000.00 or More in the Aggregate

According to Texas law, one of the following competitive methods must be used for purchases of \$150,000.00 or more in the aggregate:

1. Competitive bidding for services other than construction services;
2. Competitive sealed proposals, for services other than construction services;
3. A request for proposals, for services other than construction services;
4. An interlocal contract;
5. A method provided by Chapter 2269, Government Code, for construction

services;

6. The reverse auction procedure as defined by Section 2155.062(d), Government Code; or
7. The formation of a political subdivision corporation under Section 304.001, Local Government Code.

In addition, one of the three following methods must be used, depending on the circumstance described below, when purchasing with Federal funds; sealed bids (formal advertising); competitive proposals; or noncompetitive proposals (sole source).

Sealed Bids (Formal Advertising)

Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids. The invitation for bids must be publicly advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- All bids will be opened at the time and place prescribed in the invitation for bids. The bids must be opened publicly.
- A firm fixed-price contract award must be made in writing to the lowest responsive and responsible bidder.

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle cost must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

Competitive Proposals

A competitive proposal is normally used with more than one source submitting an offer, and either a fixed price or a cost-reimbursement type contract is awarded. (A cost-reimbursement contract reimburses the contractor for actual costs incurred to carry out the contract.) Competitive proposals are generally used when conditions are not appropriated for the use of sealed bids. If this method is used, the following requirements apply:

- Requests for proposals must be publicized and must identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
- Proposals must be solicited from an adequate number of qualified sources.
- The City of Huntsville must have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

When using Federal funds, the City of Huntsville may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms as a potential source to perform the proposed effort.

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used when using Federal funds only when one or more of the following circumstances apply:

- The item is available only from a single source and an equivalent cannot be substituted. This must be documented.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- After solicitation of a number of sources, competition is determined inadequate.

Additionally, State requirements related to sole source purchasing are, in some ways, more restrictive. In addition to the Federal requirements above, sole source purchase must meet established criteria:

- Identification and configuration that competition in providing the item or product to be purchased is precluded by the existence of a patent, copyright, secret process or monopoly;
- A film, manuscript, or book;
- A utility service, including electricity, gas, or water; and
- A captive replacement part or component for equipment.

According to state requirements, sole source does not apply to mainframe data-processing equipment and peripheral attachments with a single item purchase price in excess of \$15,000.00.

In this case, the City of Huntsville must document why only this product can meet their needs and that it is not available from any other vendor. In all cases, the City of Huntsville will obtain and retain documentation from the vendor which clearly delineates the reasons which qualify the purchase to be made on sole source basis.

4.10 Cooperative Purchases

Cooperative purchasing occurs when two or more governmental entities coordinate some or all purchasing efforts to gain the best overall value for the entities. Cooperative purchasing can occur through inter-local agreements, state contracts, and/or joint purchases. The Purchasing Department will assist the user departments to determine best method/cooperative for the purchase.

Refer to Local Government code 271 Subchapter D

5.0 General Exemptions

The State Legislature has exempted certain items for sealed bidding.

5.1 Emergency Purchases

Valid emergencies are those that occur as a result of an unforeseen breakdown or damage of equipment, procurement necessary to protect the public's safety, health, and/or procurement made due to public calamity. When this situation occurs, the department shall contact the Purchasing Department and conduct the procurement of supplies and services in accordance with the City's Purchasing Policy, City Charter and Texas Local Government Code.

5.2 Sole Source Purchases

Sole-source purchases are items that are available from only one source because of patents, copyrights, secret process or natural monopolies as defined by the local government code.

When a department has identified a specific item with unique features or characteristics essential and necessary to the requesting department and no alternative products are available, a detailed written justification must be included with the purchase requisition along with the Department Director approval.

Refer to Local Government Code 252.022 (a) 7 for sole source purchases.

Refer to Local Government Code 252.022 for a complete listing for General Exemptions.

6.0 Sale or Lease of Real Estate

a) Statutory and other authority

Local Government Code Section 272

City Charter Section 14.12, 14.13(a) & (b)

b) Purpose

To provide procedures and guidelines for the sale or lease of real estate for members of the City Council, City Management and the public.

c) Glossary

Real Estate: Land and its permanently affixed buildings or structures.

d) General provisions

1. Delegation of Authority: Except as otherwise provided in the policy, the City Council delegates to the City Manager authority to manage and maintain all real estate owned or controlled by the City.
2. The City Manager or designee is responsible for ensuring care, maintenance, safekeeping, deeds and/or inventory of all real estate.
3. No public park shall be sold or any part thereof, until the question of such sale has been submitted to a vote of qualified voters of the City and approved by a majority of the votes cast at such election. (Reference City Charter Section 14.13 (a))
4. Only City Council can approve the sale or lease of real estate.

e) Sale of real estate

1. The City Manager shall present to City Council notification of intent to sell real estate twenty-one (21) calendar days prior to beginning procedures for sale of real estate. Should a City Council member have objection, the City Manager is to be notified in writing. A Council Member agenda item may be placed for council consideration and action at the next available council meeting. Should there be no written objections the City Manager has authority to implement procedures for sale on the 22nd calendar day.
2. All real estate must be sold at no less than fair market value. Fair Market Value is determined by an independent appraisal.
3. The solicitation must be an Invitation for Bid with the award based highest price/offer.
4. The Purchasing Department shall place notice for the sale of real estate in the City's official newspaper, on the City's Website and when possible place for sale signs on the property. This notice shall be published each publication day for two consecutive weeks in the City's official newspaper. The sale cannot be completed until after the 14th day after the date of the last publication. This does not prohibit the City from sending notifications via email or delivery service. (Reference City Charter 14.13 (b)).
5. The notice for sale of real property shall include description of property, location of property, procedures for sealed bids to be received, opening procedures, date, time, and location of opening.
6. Procedures for acceptance of response which must be outlined in the Invitation for Bid are:
 1. The City reserves the right to accept or reject any or all responses.
 2. All responses must be received in a sealed envelope addressed to Attention City Secretary, City Hall. Electronic responses will not be accepted.
 3. Must include date, time and location of opening.
 4. Should less than 2 responses be received by the published date and time of opening, the opening shall be automatically extended for a minimum of 24 hours. Notification of date and time extension shall be issued by an addendum as soon as possible. At no time during the extension period shall any responses be opened until all time has expired. After the revised opening date and time the City Manager has the authority to issue a 2nd extension addendum or open responses.
 5. This does not prohibit sale of property to take place during a live auction.
 6. All mineral rights are to be retained by the City and shall not be sold unless approved by City Council.
 7. The City Manager will recommend final sale or rejection of all

responses to City Council for action.

f) Lease of real estate

1. The City Manager shall present to City Council notification of intent to lease of real estate twenty-one (21) calendar days prior to beginning procedures for lease of real estate. Should a City Council member have objection, the City Manager is to be notified in writing. A Council Member agenda item may be placed for council consideration and action at the next available council meeting. Should there be no written objections the City Manager has authority to implement procedures for lease on the 22nd calendar day.
2. The solicitation must be a Request for Proposal with the award based on the best value for the City.
3. The Purchasing Department shall place notice for the lease of real estate in the City's official newspaper, on the City's Website and when possible place for lease signs on the property. This notice shall be published each publication day for two consecutive weeks in the City's official newspaper and the lease cannot be completed until after the 22nd day after the date of the least publication. This does not prohibit the City for sending notifications via email or delivery service. (Reference City Charter 14.13 (b)).
4. The notice for lease of real estate shall include description of property, location of property, procedures for seal proposals to be received, opening procedures, date, time, and location of opening.
5. Procedures for acceptance of response which must be outlined in the Request for Proposal are:
 1. The City reserves the right to accept or reject any or all responses
 2. All responses must be received in a sealed envelope addressed Attention City Secretary, City Hall. Electronic responses will not be accepted.
 3. Must include date, time and location of opening.
 4. Should less than 2 responses be received by the published date and time of opening, the opening shall be automatically extended for a minimum of 24 hours. Notification of date and time extension shall be issued by an addendum as soon as possible. At no time during the extension period shall any responses be opened until all time has expired. After the revised opening date and time the City Manger has authority to issue a 2nd extension addendum or open responses.
6. The City Manager is to recommend acceptance or rejection of all responses to City Council for action.

g) Lease of mineral rights

1. No City owned property or any part thereof shall be leased for the purpose of

prospecting for mining, drilling or producing oil, gas, or other minerals unless such lease agreement specifically provides that the City shall retain a royalty interest equivalent to at least one-eighth of the total production of such oil, gas, or other minerals. (Reference City Charter Section 14.12)

2. The City Manager is to negotiate and recommend all mineral rights leases to City Council for action.

7.0 Purchasing Procedures Handbook

The Purchasing Procedures Handbook contains expanded explanation and procedures for accomplishing the procurement of goods and services in accordance with this policy. The Purchasing Manager maintains responsibility for updating the Purchasing Procedures Handbook in accordance with the applicable State and Local Government Codes, City Charter and Purchasing Policy as approved by City Council

1.03 Cardholder Manual and Agreement

A. Purchasing Card Cardholder Agreement

Requirements for Use

The Purchasing Card is to be used only to make purchases at the request of and for the legitimate business benefit of the City of Huntsville.

The Purchasing Card must be used in accordance with the provisions of the Purchasing Card Program Cardholder Manual and in accordance with the Purchasing policies and procedures established by the City of Huntsville.

Violations of these requirements may result in revocation of use privileges and/or disciplinary actions, up to and including TERMINATION of employment. Employees who are found to have inappropriately used the Purchasing Card will be required to reimburse the Organization for all costs associated with such improper use.

Purchasing Card Account Number: _____

Monthly Limitations: _____

Received By: _____

Cardholder Signature: _____

Date: _____

Purchasing Card Administrator

B. Cardholder Manual

1. INTRODUCTION

The City of Huntsville has implemented a Purchasing Card Program as part of its continuing effort to improve service while reducing costs. A number of unique controls have been developed for the Purchasing Card Program. These controls help ensure that the card will be used only for official City purchases and within specific dollar limits. This Cardholder Manual has been developed to assist you in understanding both the Purchasing Card Program and your responsibilities as a Cardholder.

2. WHAT IS THE PURCHASING CARD?

The Purchasing Card is a credit card issued under the state purchasing agreement. It is a fast, flexible new purchasing tool which offers an alternative to the existing purchasing processes and provides an efficient and effective method for purchasing and paying for small dollar items. **The purchasing card is not to be used for purchases of \$1,000 or more unless approval is obtained from the Purchasing Card Administrator and Director of Finance. The card is to be used only for official purchase.** The Purchasing Card will be issued in the employee's name and the "Organization Name" clearly indicated on the card.

3. THE PURCHASING CARD PROGRAM BRINGS MANY BENEFITS TO...

Cardholders – This program will help streamline the purchasing process and can help improve turnaround time on receipt of your order. It reduces the workload and processing costs related to the purchase and payment of supplies.

Department Cards – If Department cards are issued, it is the responsibility of the director to provide an internal procedure of who will hold these cards and maintain the invoices and statements. The issuing bank offers no liability on misuse of department cards. A copy of the procedure must be given to the accounting department for audit process.

Vendors – The Purchasing Card will be welcomed by vendors who accept MasterCard. When they accept the card for business purchased, vendors need not send invoices to the City of Huntsville, and they will receive payment directly for the issuing bank within 48 hours.

4. PARTIES INVOLVED

Card Issuer – Bank One's services include issuing Purchasing Cards to City of Huntsville employees and departments, providing electronic transaction authorizations, and billing the

City of Huntsville for all purchases made on the cards.

City of Huntsville – Arranges with the issuing bank to have Purchasing Cards issued to approved employees and departments and agrees to accept liability for the employees' use of the cards.

Department Head – Organization official who must approve employee's request for a Purchasing Card, designate default accounting code for purchases on the Purchasing Card, and submit application to the City Manager's office for approval. Department Head approval delegates transactions authority to the Cardholder and the department.

Purchasing Card Administrator – The central administrator located in the Organization's Purchasing Department who coordinates the Purchasing Card program for the Organization and acts as the Organization's intermediary in correspondence with the card issuer.

Cardholder – An employee of the Organization who is approved by the Department Head and City Manager's Office to use the Purchasing Card to execute purchase transactions on behalf of the Organization. The director of each department will assign who will maintain department cards.

Vendor – The merchant from whom a Cardholder is making a purchase.

5. CARDHOLDER ELIGIBILITY

Criteria to receive a Purchasing Card is as follows:

- Applicant must be an employee of the Organization.
- Applicant's request for Purchasing Card must be approved by the Department Head and City Manager's office.
- Each individual Cardholder must sign a Cardholder Agreement (Attachment 1) in the presence of the Purchasing Card Administrator.

6. CARDHOLDER RESPONSIBILITIES

The Cardholder must use the Purchasing Card for legitimate business purposes only. Misuse of the card will subject Cardholder to disciplinary action in accordance with the City's Policies and Procedures relating to disciplinary action and termination for cause. The Cardholder must:

- Ensure the Purchasing Card is used for legitimate business purpose only.
- Maintain the Purchasing Card in a secure location at all times.

- Adhere to the purchase limits and restrictions of the Purchasing Card and City purchasing policies.
- Receive a detailed receipt from each vendor. Receipt needs to include each item purchased and the price per each, with a total of all items. This includes restaurant receipts. Make sure no tax has been charged. It is the responsibility of the cardholder to assure that tax is either credit to the card or paid, with the exception of any restaurant receipts. (Refer to Section 11 of this policy and the City Travel and Training Policy for card use related to travel expenses).
- Retain and reconcile all sales slips, register receipts, and/or Purchasing Card slips to the Cardholder statement and provide it to the supervisor for reconciliation, approval and allocation of transactions.
- Attempt to resolve disputes or billing errors directly with the vendor and notify the issuing bank if the dispute or billing error is not satisfactorily resolved.
- Ensure that an appropriate credit for the reported dispute item or billing error appears on a subsequent Cardholder statement.
- NOT ACCEPT CASH in lieu of a credit to the Purchasing Card account.
- Immediately report a lost or stolen card to Bank One at 1-800-890-0669 (24 hours a day, 365 days a year).
- Immediately notify supervisor of a lost or stolen Purchasing Card at the first opportunity during normal business hours.
- Return the Purchasing Card to the supervisor upon termination employment with the Organization or transferring Departments within the Organization.
- If a vendor does not accept the purchasing card, contact the purchasing card administrator.
- Report erroneous and emergency transaction needs to the supervisor during normal business hours.

7. DEPARTMENTAL SUPERVISOR RESPONSIBILITIES

Responsibilities include:

- Reviewing vendor receipts attached to the Cardholders statements.
- Attempt to resolve any disputes with vendor and/or the issuing bank not resolved by Cardholder.
- Notifying Purchasing Card Administrator in 3 to 5 days of an unresolved disputes, noting the reason for dispute.
- Notify Purchasing Card Administrator if Cardholder transfers to a different division or department; experiences any problems with use of card; or lost or stolen cards.
- Requesting Purchasing Card Administrator to cancel a Cardholder's card (ie. Terminated employees, lost of card and loss of purchasing card privileges) as approved by Department Head

- Collecting canceled cards from Cardholders and forwarding to Purchasing Card Administrator.
- Assisting Cardholders with erroneous declines and emergency transactions.
- Approve and sign purchasing receipts/statements and ensure proper coding and timely submittal to Finance.

8. PURCHASING CARD ADMINISTRATOR RESPONSIBILITIES

The Purchasing Agent will act as the Purchasing Card Administrator to be responsible for the over-all Purchasing Card program. Responsibilities include:

- City of Huntsville liaison with the issuing bank.
- Reviewing Department approved applications for completeness of required information.
- Serve as liaison informing credit card company of budget and transaction limitations or any other changes or restrictions.
- Submitting completed application to the issuing bank and receiving Purchasing Card.
- Training Departmental supervisors and Cardholders before releasing Purchasing Cards.
- Having Cardholder sign Cardholder Agreement (Attachment 1), signifying agreement with the terms of the Purchasing Card program.
- Handling disputed charges/discrepancies not resolved by Cardholder or Departmental Supervisor.
- Securing revoked Purchasing Cards and submitting information to the issuing bank.
- Ensuring that lost stolen cards have been blocked by the issuing bank.
- Assisting the Departmental supervisor with erroneous declines and emergency transactions.
- Provide monthly and quarterly reports on usage as necessary to Director of Finance and Finance Committee.

9. PURCHASING CARD MAINTENANCE AND CLOSURE

All contact with the issuing bank for card set up, maintenance closure (except for reporting lost or stolen cards) will be handled by the Purchasing Card Administrator who is located in the Purchasing Department. The Purchasing Card Administrator is required to close an account if a Cardholder: (a) moves to a new job in which a Purchasing Card is not required, (b) terminates employment or (c) for any of the following reasons which will also subject Cardholder to disciplinary action in accordance with Organization Policies and Procedures relating to disciplinary action and termination for cause:

- The Purchasing Card is used for personal or unauthorized purposes.
- The Purchasing Card is used to purchase alcoholic beverages or any substance, material, or service which violates policy, law or regulation pertaining to the City of Huntsville.

- The Cardholder splits a purchase to circumvent the limitations of the Purchasing Card or the purchasing policies.
- The Cardholder uses another Cardholder's card to circumvent the purchase limit assigned to each Cardholder or the limitations of the Purchasing Card.
- The Cardholder fails to provide Departmental Supervisor with required receipts.
- The Cardholder fails to provide, when requested, information about any specific purchase.
- The Cardholder does not adhere to all of the Purchasing Card policies and procedures.

A request for closing a Cardholder account will be submitted to the issuing bank by the Purchasing Card Administrator, and the Cardholder must return the Purchasing Card immediately to their supervisor.

10. PURCHASING CARD USE/RESTRICTIONS

The card works just like your personal credit card, except all charges are paid in full by the City of Huntsville. **The purchasing card is not a debit card.** The card is to be used only for purchasing items with a total cost under the assigned transaction limit.

The City's expenditure limits for each Purchasing Card issued are set at a maximum monthly spending amount. The purchasing card is not to be used for purchase of \$1,000 or more unless it relates to travel, i.e. hotel reservations, etc. or pre-approved purchases.

The City requires that certain types of purchases be blocked from Purchasing Card use. Among these are entertainment and cash transactions. Such transactions, if attempted, will be blocked at the point-of-sale level and may subject the Cardholder to disciplinary action.

11. PURCHASING CARD PAYMENT FOR TRAVEL EXPENSES

Departments are encouraged to utilize the City of Huntsville procurement card to cover travel and business expenses for themselves and their staff. For each travel and business expense charged to a City procurement card, the cardholder shall complete the required **Record of Travel/Training/Expense Form**. The date, description and purpose of the travel expense and submittal of itemized receipts are required for each travel expenditure as part of the account reconciliation.

Credit cards should not be used for meals. Exceptions may be granted for appointed board members and officials, or employees traveling with a cardholder on city business. Copies of receipts for credit card purchases are required to be attached to the Record of Travel/Training/Expense Form. Originals should be included with the credit card statement.

12. PURCHASING CARD/ACCOUNT NUMBER SECURITY AND STORAGE

Cardholders should always treat the Purchasing Card with at least the same level of care as one does their own personal credit cards. The card should be maintained in a secure location and the card account number should be carefully guarded. The only person entitled to use the card is the person whose name appears on the face of the card.

The Purchasing Card Administrator located in the Purchasing Department will maintain all other documentation concerning the Purchasing Card program. This documentation includes, but is not limited to, applications, Cardholder Agreements, and copies of transmittals and correspondence with the issuing bank.

13. CARDHOLDER LIABILITY

The Purchasing Card is a corporate charge card and will not affect your person credit. It is the Cardholder's responsibility to ensure that the card is used within stated guidelines of this manual. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to management, and disciplinary action in accordance with the City of Huntsville's policies and procedures relating to disciplinary action and termination for cause. Reimbursement to the City of payroll deductions may be required to ensure refund of unauthorized expenditures.

14. LOST, MISPLACED OR STOLEN PURCHASEING CARDS

Report any lost or stolen Purchasing Card immediately to Bank One toll-free at 1-800-890-0669. Banks One representatives are available to assist you 24 hours a day, 365 days a year. Be sure to notify your Department Supervisor about the lost or stolen card at the first opportunity during normal business hours.

15. ERRONEOUS DECLINES

There may be certain situations when a vendor receives a decline message when processing your Purchasing Card transaction. If you do not know the reason for the decline, contact Bank One at 1-800-890-0669 for an explanation. If the decline was in error, the Cardholder should immediately contact the Purchasing Card Administrator for assistance.

If purchase is being made outside of normal business hours, the employee must find an alternate payment method or terminate the purchase and contact the Purchasing Card Administrator during normal hours.

16. DISPURES & BILLING ERRORS

The Cardholders should always attempt to resolve any disputes or billing errors directly with the vendor. If appropriate, the vendor will issue a credit to the card account. If an agreement cannot be reached with the vendor, you should contact Bank One at 1-800-890-0669. Bank One may ask you to mail or fax a Statement of Disputed Item to document the dispute.

All issues should be resolved using this process. However, if you are unable to obtain an acceptable resolution, you must contact the Purchasing Card Administrator for assistance. The total amount billed by the issuing bank will be charged to the individual department account, and a credit for the disputed transaction will be posted to department account when a credit appears on the Bank billing.

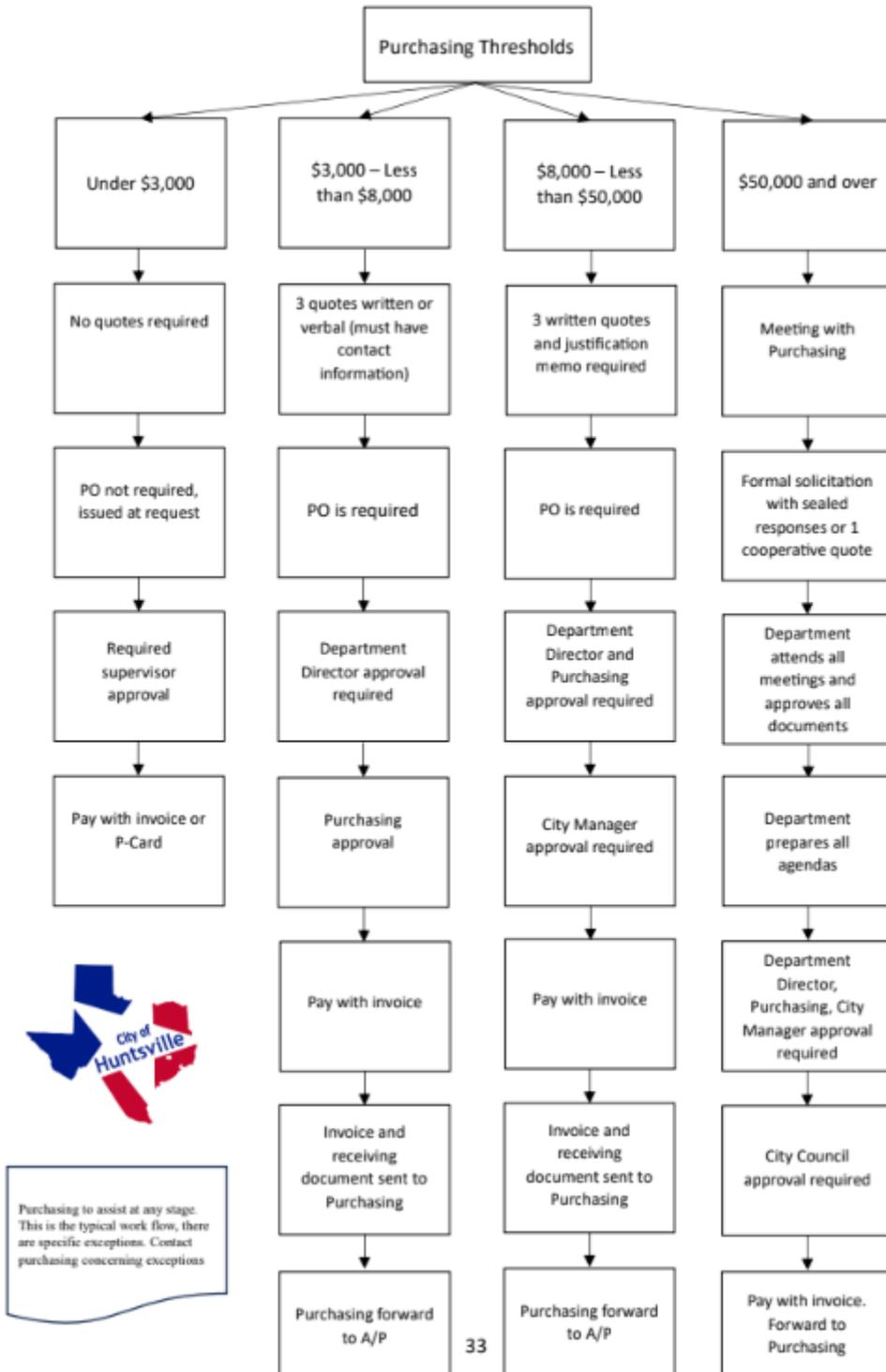
17. SALES TAX

The City of Huntsville is exempt from sales tax for all purchases. Make sure you inform your vendor of this exemption before executing a purchasing transaction. It is the responsibility of the cardholder to assure that tax is either not billed or paid.

18. TRAVEL CARD

The City may maintain a travel card in the purchasing office. Use of the card through purchasing is encouraged to obtain state rates on air fair, car rentals, or hotels.

PAPERFLOW



PUBLIC WORKS PURCHASE REQUEST PROCESS

Description: _____

Account #: _____

W-9/Vendor #: _____

Form 1295: _____

Insurance: _____

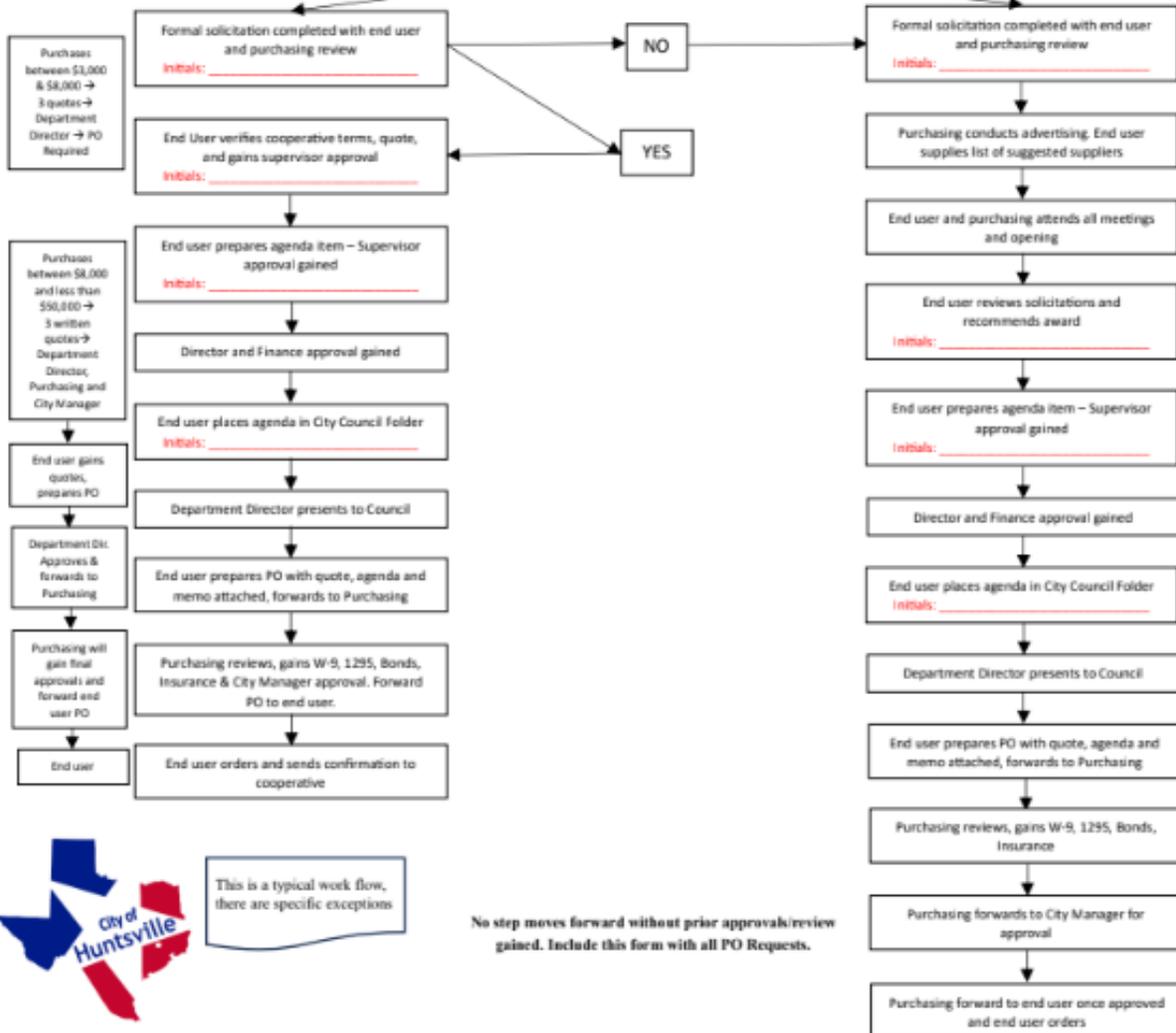
Bonds: _____

Agenda Date: _____

Purchases greater than \$50,000

Meeting held with Purchasing and Director or Designees

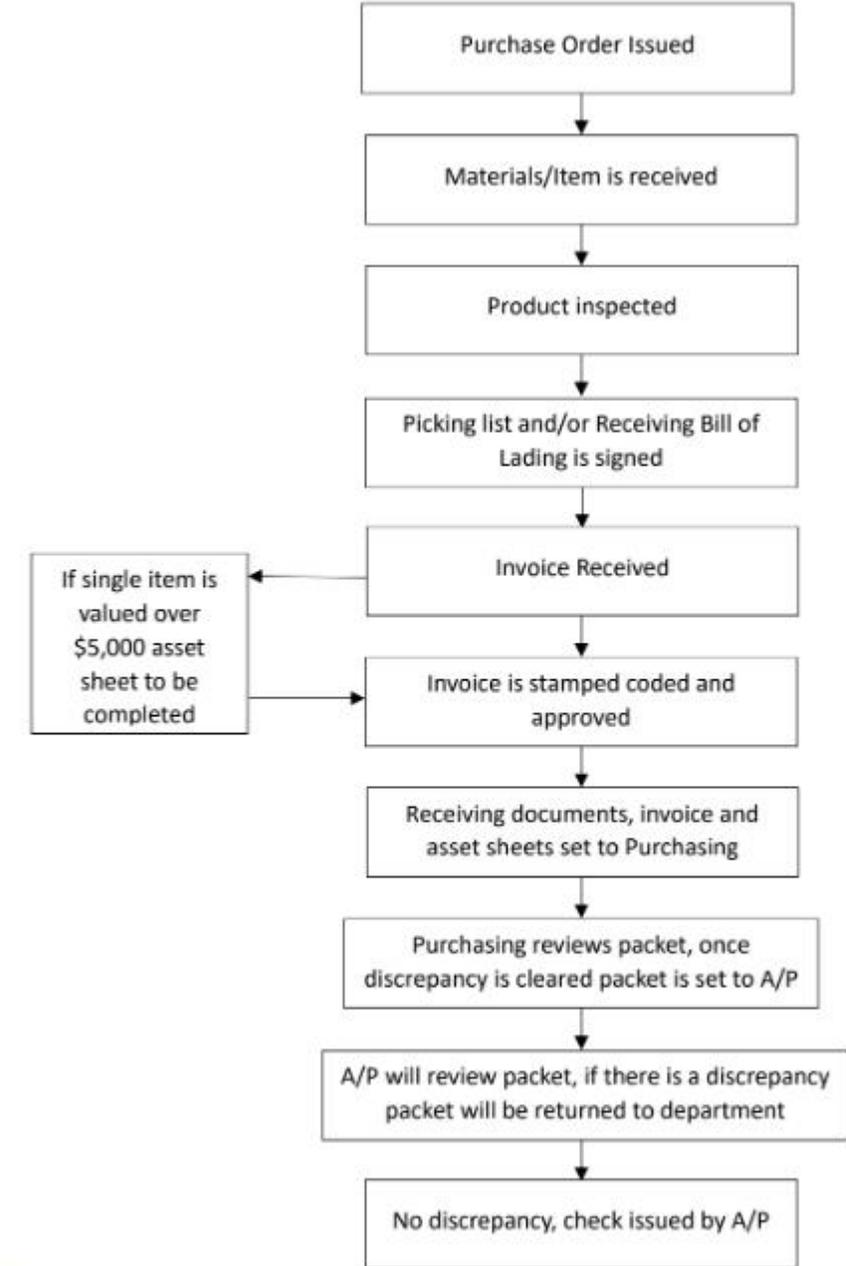
Discussion Items: Type of purchase (RFP, RFQ, IFB)
source of purchase (Cooperative or Market) Reason for Purchase (Emergency or budgeted), Expected Frequency (re-occurring Purchase, decision package)
PURCHASING TO ASSIST IN ANY STEP



No step moves forward without prior approvals/review gained. Include this form with all PO Requests.



Flow for all goods and services, which a purchase order (PO) is issued



HUBS

WALKER COUNTY HUBS					
COMPANY NAME	MAILING ADDRESS	EMAIL	PHONE	HUB ELIGIBILITY	HUB GENDER
ANDIE HO	331 OAK LAWN ST,	ANDIE@ANDIEHOTRANSLATIONS.COM	316-727-6877	AS	F
COLLUM CONSTRUCTION PARTNERS, LTD.	14 STATE HIGHWAY 75 N STE B,	NANCYCOLLUM@YAHOO.COM	936-291-0334	WO	F
CRYSTAL RESOLUTIONS, LLC	1085 ELKINS LAKE,	LIESA@CRYSTALRESOLUTIONS.COM	936-293-1338	BL	F
D DURDA LLC	919 ELKINS LAKE,	DEBRA.DURDA@NOVYSOLUTIONSSERVICES.COM	817-994-0123	WO	F
D. B. & J.A. WARD, INC.	180 IH 45 S,	WARDFURNITURE@SBCGLOBAL.NET	936-295-2514	WO	F
DRAGON A/C & HEATING CO.	PO BOX 470,	DRAGONACHEATING@GMAIL.COM	936-355-1083	WO	F
ELITE MACHINING, INC.	P. O. BOX 8878,	RAGENA.ELITE@YAHOO.COM	936-435-9899	WO	F
GERONIMO'S CADILLAC, INC.	DBA ADAMS FURNITURE,30 STATE HWY 75 NORTH	123ADAMS@SBCGLOBAL.NET	936-295-1028	WO	F
HBI OFFICE SOLUTIONS INC	308 HWY 75 NORTH STE B,	SUSAN@HBI-INC.COM	936-295-4592	WO	F
JANES PAVEMENT SERVICES, INC.	62A POSSUM WALK LOOP,	ANNM.JANES@SBCGLOBAL.NET	936-293-8581	WO	F
KINGDOM STEWARDS OF FIVE LOAVES DELI, LL	KINGDOM STEWARDS OF FIVE LOAVES DELI, LL,1329 UNIVERSITY AVE STE I	JUDY5809@ATT.NET	936-439-9400	WO	F
LITTLE SPLITPEAS LLC	2821 SAM HOUSTON AVE, SUITE C	LITTLESPLITPEAS@ICLOUD.COM	936-439-3348	WO	F
MADE BY MAB	151 BRIARWOOD DR,	MADEBYMAB@YAHOO.COM	936-661-5321	HI	F
MCCAFFETY ELECTRIC CO., INC.	P.O. BOX 163,	PAM@MCCAFFEYELECTRIC.COM	936-295-2831	WO	F
TEXAS HUB EXPRESS LLC	809 FM 2821 RD W,	TEXASHUBEXPRESS@GMAIL.COM	936-545-3362	WO	F
TREXXLER ENERGY SOLUTIONS, LLC	810 INTERSTATE 45 N,	MORGAN@TREXXLER.COM	713-396-9771	DV	M
TOP NOTCH DIRT WORKS	253 FISHERMAN'S TRAIL,	TOPNOTCHDIRTWORKS@GMAIL.COM	936-661-2276	WO	F
WALKER COUNTY HARDWARE, INC.	PO BOX 1086,	WALKERHARD@TXCYBER.COM	936-295-7751	WO	F
WILLIAM R. PITTS ENTERPRISES, INC. DBA	ADVANTAGE SPECIALTIES,252 STATE HIGHWAY 19	STEPHANIE@ADVANTAGESPECIALTIES.COM	936-291-3222	WO	F
WILSON ELECTRICAL CONTRACTORS, INC.	P.O. BOX 1717,	WILSONELECCONTRACTORS@GMAIL.COM	936-344-6402	WO	F

Information Tech - Table of Contents

Employee Policies and Procedures

I. INFORMATION TECHNOLOGIES (P. 143-146)

1.01 Surveillance Camera Policy

I. Information Technology

1.01 SURVEILLANCE CAMERA POLICY.....	144
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1.01 Surveillance Camera Policy

The purpose of this policy is to establish guidelines for the procurement, placement and maintenance of surveillance cameras, as well as the access and retrieval of surveillance camera data.

Process to Procure a Surveillance Camera

1. Department identifies the need for cameras through audit or incident occurrence.
2. Department head or designee submits an electronic request to the PD describing the proposed location of surveillance cameras, justifying the proposed installation, and identifying the funding source of sources for purchase and ongoing maintenance.
 - a. Please note that only IT and PD will have access to view archived video footage. Local facility administrators and designated staff may have access to real-time surveillance camera data in their area(s) of responsibility.
3. PD reviews request, determines if clear safety and/or security reasons as established and forwards approved request to IT.
4. IT determines best camera type/solution then prepares a cost estimate for the requesting department.
5. IT will install and/or coordinate installation of cameras.

Policy Requirements

1. Surveillance cameras may be installed in situations and places where the security of either property or people would be enhanced.
 - a. Camera use will be limited to situations that do not violate a reasonable expectation or privacy. Examples include common areas such as entrances, hallways, public seating, supply rooms, storage lots, delivery areas and parking lots. Cameras will not be installed in areas where staff and public have a reasonable expectation of privacy, such as locker rooms and restrooms.
 - b. Cameras will not be installed for the express purpose of monitoring staff performance nor be used to record or monitor sound.

- i. Exclusions:
 - 1. The use of mobile or hidden video equipment may not be used in criminal investigations by the Huntsville Police Department. Covert video equipment may also be used for non-criminal investigations of specific instances which may be significant risk to public safety, security and property as authorized by the Chief of Police or designee.
 - 2. Sound can be recorded in certain instances as determined by the PD.
 - 3. Positions where cash is handled may be monitored.
- c. Only authorized personnel, as determined by this policy or authorized by the City Manager or PD designee, will be involved in or have access to surveillance camera data.
 - i. Local facility administrators and designated staff may have access to real-time surveillance camera data in their area(s) of responsibility.
 - ii. Personnel are strictly prohibited from using or disseminating information acquired from City security cameras, except for official purposes. Unless otherwise provided by law, all information and/or observations made in the use of security cameras are considered confidential and can only be used for official City and law enforcement purposes.
 - iii. The Huntsville Police Department and IT will have access to all surveillance camera data including archived video.
- d. Images will typically be stored for a period of up to five (5) calendar days; however, this will strictly depend upon the amount of available server storage space. As new images are recorded, the oldest images will be automatically deleted.
- e. In areas where surveillance cameras are used, signage must be posted at the building entrance informing the public and staff that security cameras are in use.
 - i. Exclusions:
 - 1. Covert video equipment used in investigations by the Huntsville Police Department.

- f. Expense and maintenance of the camera shall be the responsibility of the department installing the camera.

Formal Process to Request Review of Archived Video

1. For staff requests, a Department head or designee will submit a request to IT who will review and provide a copy of the video footage if available; however, if a request involves criminal activity it must be routed to the PD. IT/PD will seek consultation and advice from legal counsel and/or HR related to these requests prior to the release of any records. Exceptions include requests by the Huntsville Police Department or City Manager.
2. For any open records requests the release or non-release of video footage will be done in accordance with state law and the Texas Public Information Act.

Definitions

- Surveillance camera: Any item, system, camera, technology device, communications device, or process, used alone or in conjunction with a network, for the purpose of gathering, monitoring, recording or storing an image or images of City facilities and/or people in City facilities. Such devices may include, but are not limited to: analog and digital surveillance cameras, close circuit television, web cameras, and computerized visual monitoring.
- Surveillance camera data: Images captured by surveillance cameras, which may be real-time or archived for review at a later date.