

CITY OF MARLIN

PERSONNEL POLICY

FOR ALL CITY OF MARLIN PERSONNEL

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SECTION 1 INTRODUCTION

A. PURPOSE

Our success, and your individual success, is directly related to your understanding of how the City of Marlin operates. This Employee Handbook contains general information and guidelines' describing the City's working environment and personnel policies. It serves as a guide in making decisions in areas that directly affect all of us as employees. As policies are reviewed and revised, the Employee Handbook will be updated and changes will be communicated to you when they occur. You will want to keep the handbook available for ready reference. The policies and procedures contained in this handbook have been adopted by the City Council of the City of Marlin.

B. APPLICABILITY AND SCOPE

These rules apply to all City employees unless otherwise noted and unless specified otherwise by State Statute, the City's Charter, or City Ordinance. A person on retainer or under contract is not considered to be a City employee in the absence of a specific agreement to that effect.

The Employee Handbook sets forth policies of general application to employees in all City departments.

The City's employment goals are:

1. To promote quality public service.
2. To provide equal employment opportunity for all persons.
3. To conduct operations with due regard for the safety and health of City employees and the public.
4. To communicate the City's expectations.
5. To promote pride and high morale among City employees.

C. DISSEMINATION

All City employees shall be furnished a copy of these policies and each department shall keep a copy available for reference by its employees.

D. AMENDMENT

These policies will be reviewed annually and may be changed, supplemented or superseded at any time as provided by the City Council. Any change will be in writing and employees will be notified. The City reserves the right to amend or completely repeal these policies at any

E. CONFLICTING PROVISIONS REPEALED

All personnel policies of the City of Marlin in conflict with these policies are hereby declared repealed to the extent of the conflict.

These policies are used solely to govern internal personnel management. They do not confer upon

any third party the right to impose civil or criminal liability against the City or its employees and such persons are not third-party beneficiaries of these policies.

F. NO CONTRACT OF EMPLOYMENT

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason, with or without notice. No employee shall rely upon, and the City shall not be bound by, any representation or assurance by any person with regard to an employee's status of employment with the City which is contrary to, or purports to modify in any way, his or her status as an "at will" employee as is expressly set out above. The provisions of this paragraph are incorporated by reference the same as if fully copied and set forth at length in every section of this handbook.

G. STATUS DEFINED

As used herein the following terms have the following meanings:

FULL-TIME. An employee who has a normal work schedule of forty (40) hours per week shall be classified as a full-time employee.

PART-TIME. An employee who has a normal work schedule of less than forty (40) hours per week shall be classified as a part-time employee.

REGULAR. An employee who is not considered to be a temporary employee as defined in this policy shall be considered to be a regular employee. Regular employees may either be full-time or part-time.

TEMPORARY. An employee in a position that is established for a specific period of time (usually less than one year) or until a specific project is completed, shall be considered a temporary employee. Temporary employees may either be full-time or part-time. City of Marlin Personnel Policy

SECTION 2

EQUAL EMPLOYMENT OPPORTUNITY

A. EQUAL EMPLOYMENT

Diligence shall be exercised to ensure equal employment opportunity in the City's service. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations, memberships in employee organizations or because of gender, age, race, disability, color, national origin, marital status or other non-merit factors is prohibited. Consideration of age, sex or physical disability is prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. Any employee who believes he or she has been discriminated against must immediately report such complaint as outlined in the City's Policy on Discrimination in Section 7.

B. AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act, 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 a reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the City, or constitute a threat to the safety of the disabled person or other persons. The City reserves the right to make all determinations as to whether or not an accommodation is reasonable and to assess health and safety factors.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint as outlined in the City's Policy on Discrimination in Section 7.

C. POLITICAL AND RELIGIOUS DISCRIMINATION

No employee of the City of Marlin shall be promoted, demoted or discharged because of political or religious affiliation, provided such do not advocate action against the City of Marlin, State of Texas or the United States of America. City of Marlin Personnel Policy.

SECTION 3

ADMINISTRATIVE AUTHORITY

A. GENERAL AUTHORITY

With the exception of matters reserved to the City Council herein or by the City Charter, the general authority for personnel management rests with the City Manager. This authority may be delegated as necessary and proper. Department heads that are appointed by the City Council under the City Charter may only be terminated or removed by the Council. However, the City Manager is the supervisor over those department heads and they answer to the City Manager and must follow his lawful directives. The City Manager has authority to take disciplinary action against a Council-appointed department head that does not involve discharge or suspension without pay. The City Council shall consider any recommendation of the City Manager that a Council-appointed department head be discharged or suspended without pay and will give such recommendation due consideration. The City Manager has authority to take disciplinary action, up to and including discharge, with regard to any department head that is not appointed by the Council under the City Charter and with regard to any other employee of the City.

B. DEPARTMENT HEAD AUTHORITY

Each department head is responsible within the scope of his or her authority for enforcing the provisions of these rules and related policies and procedures in regards to matters involving his or her department. A department head has authority to take disciplinary action against an employee of his or her department, however, any termination or suspension without pay must be cleared with the City Manager in advance, except that the Police Chief and Fire Chief may terminate or suspend without pay an employee without advance authorization by the City Manager, subject to the City Manager's authority to reverse or modify a decision after a grievance hearing.

C. SEARCHES

The City may conduct unannounced searches or inspections of the work site based on reasonable suspicion of criminal conduct or workplace violations, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, whether secured, unsecured or secured by a lock provided by the employee. PLEASE TAKE NOTICE THAT NO EXPECTATION OF PRIVACY EXISTS IN CITY WORK AREAS, ON CITY PROPERTY, WITH CITY EQUIPMENT OR ON CITY SYSTEMS.

All searches must be authorized and conducted under the direction of the Human Resources Coordinator upon approval of the City Manager after consultation with the City Attorney unless such is a law enforcement operation, in which case the Police Chief shall coordinate the search. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

SECTION 4
APPOINTMENT
NEPOTISM

A. City Employment

No employee may directly or indirectly supervise or be supervised by a member of their immediate family (defined as: spouse, child, parent, sibling, grandparent, grandchild, spouse of any of the foregoing, or anyone living in the same household as the applicant or employee) or within the third degree of consanguinity (blood). In the event that the marriage or cohabitation of employees places them in violation of this policy, they will be given the opportunity to decide between themselves which of them is to resign. If the employees fail to make this election within thirty (30) calendar days, the employee with the shorter length of service with the City shall be transferred or discharged.

Elected Officials

No person related within the second degree by affinity, or within the third degree by consanguinity to the Mayor or any other elected official of the City, shall be appointed to any office, position or clerkship or other service to the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the city for a period of six (6) months prior to the election of any City Official so related to him. City of Marlin Personnel Policy

SECTION 5 RECRUITMENT AND SELECTION

A. AGE REQUIREMENT

No person under eighteen (18) years of age will be employed in any permanent position.

B. METHOD

The City of Marlin will seek to fill vacancies within the workforce in the manner that will best benefit the City. Recruiting methods may include, but are not limited, promotion or transfers from City work force, referrals from Texas Work Source or other job listing agencies, newspaper postings, TML websites/publications, job-posting websites, City website and walk-in applicants. Except as specifically required by law or the terms of a grant, the City is not bound to use any specific recruitment method.

C. SELECTION

1. Employees will be selected solely based on the applicant's qualifications, experience, education and other job-related factors.
2. An individual will not be considered for employment without completing the required Application for Employment form.
3. All persons, upon filing an application for employment, thereby consent to an investigation of their character, habits, previous employment and other background investigations as deemed necessary by the City of Marlin for the vacant position.
4. Applicants will be investigated as to the truth of the statements made in their application and oral interviews, and any misstatement of fact will be sufficient grounds for rejection of the applicant or grounds for termination of employment.
5. Section 411.129 of the Texas Government Code gives access to criminal history information to the City for the purpose of reviewing applicants for employment with the City. To be considered for employment an applicant must sign the consent to criminal history check form.
6. All applicants must possess and show an authentic Social Security Card and identity card as Proof of Eligibility to Work. This is in relation to the Immigration Reform and Control Act of 1996 which requires the verification of the right to work in the United States.
7. All employees required to drive or operate vehicles or equipment shall possess a valid Texas Driver's License. Prior to employment to any driving position, an evaluation of the applicant's traffic offenses during the past three years shall be conducted. Applicants with evidence of a poor driving record will be rejected as measured in the sole judgment of the City or its insurers.
8. Certain other requirements as established by the Texas Commission on Law Enforcement Officer Standards and Education will apply to applicants for police department positions. Physical agility and fitness requirements may also apply to police personnel.

9. Certain other requirements apply to fire department personnel, including fitness and physical agility requirements.

10. The New Hire Checklist (**APPENDIX “A”**) *must* be completed for each new hire and filed with Human Resources. Please consult the New Hire Process attached as part of **APPENDIX “A”**.

D. RE-EMPLOYMENT

Former employees not eligible for reinstatement under specific provisions of this policy may be considered for employment as members of the general public. Provisions governing restoration of employee benefits shall not apply.

E. LAYOFFS

Any city employee may be laid off without reflection on his or her standing for lack of work or funds. At least two (2) weeks' notice of the effective date of a layoff shall be given each regular employee affected thereby except in exigent circumstances. A person, who is laid off, including a former temporary employee separated upon completion of duties, may be routinely recalled to work at any time provided the person remains qualified to perform the duties of the position. If more than one person in a department is on a layoff and a recall is initiated, the senior employee on a layoff will generally be called back first and so on down the line. The City Manager may recall a person with less seniority if the person has skills or training that better fit the job or if the person has a substantially better performance history with the City than the more senior employee(s). If an employee on a layoff is qualified for the job being recalled and turns down the recall offer, for whatever reason, the employee is disqualified from any further recalls. Said employees may go through the normal “new employee” application process if, in the future, he or she decides to rejoin the city workforce. Such application will be considered on equal ground with all other applications.

F. RE-EMPLOYMENT OF RETIREES

A person who retires from employment with the City and is receiving retirement benefits under the City's retirement program is not eligible for re-employment with the City unless certain waiting periods and other requirements are met. The reason for these restrictions is the protection of the qualified status of the retirement program for federal tax purposes. The Human Resources Coordinator will coordinate with the employee and TMRS to determine the requirements that apply.

SECTION 6 EMPLOYEE CONDUCT

A. EXAMPLES OF UNACCEPTABLE CONDUCT

The following is a list of illustrative acts or omissions which do not demonstrate the high standard of conduct which is expected of employees of the City of Marlin. This list is merely illustrative and does not encompass all prohibited practices or address all employment situations that could arise. Furthermore, the following list does not constitute any guarantee of continued employment as long as an employee does not participate in prohibited conduct. Employees of the City of Marlin, per the State of Texas, are "At Will" employment status with the City under which either the City or the employee can terminate the employment relationship at any time for any reason not prohibited by law, or for no reason at all. Subject to the foregoing, City of Marlin employees are prohibited from:

1. Using their official positions to secure special privileges or exemptions for themselves or others;
2. Habitual tardiness or absenteeism;
3. Discourteous or offensive conduct toward fellow employees or to the public;
4. Insubordination, inefficiency or neglect or abandonment of duties;
5. Granting any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group;
6. Theft, abuse or deliberate destruction or defacing of City property;
7. Using City property for any purpose other than conducting official City business;
8. Acting with carelessness or negligence in the operation of City equipment or in the performance of employment duties which results in the destruction or damage of property or injury or death to any person or endangers life or property;
9. Fighting or gambling in any form on work premises or during work hours;
10. Commission of any crime while on duty, on City premises, or in City vehicles;
11. Possessing unauthorized weapons or explosive materials on City premises or in City vehicles;
12. Racial, religious, sexist or ethnic slurs or remarks made while on City business and intended to harass or discriminate against another employee or a member of the public;
13. Sexual harassment in any form;
14. Insubordinate, discourteous or abusive conduct towards the City Manager supervisors, department heads, City officials, or the City Council and/or its members;
15. Falsifying time records or any other official personnel record, or punching or filling out another employee's time record;
16. Failure or refusal to cooperate with fellow employees or to follow instructions of supervisory officials;

17. Falsification, destruction or defacing of any official records of the City of Marlin;
18. Unauthorized or unexcused absence from work;
19. Revealing, without authorization, confidential information in the course of employment, including confidential City records;
20. Accepting any commission, kick-back, discount or other thing of value from persons or companies doing business with the City;
21. Abuse of sick leave or other authorized leave, or abuse of other privileges or benefit programs provided by the City;
22. Leaving work during working hours without the permission of the employee's supervisor or department head;

23. Participating in horseplay or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, including the use of abusive, profane, or threatening language;
24. Carelessness or inefficiency in the performance of duties, including disregarding applicable safety or work regulations;
25. Operating City vehicles without possession of a valid and/or proper operator's license, or failure to maintain a satisfactory driving record if the employee is required to operate a vehicle as part of her/her job;
26. Misappropriation of City funds, property or assets;
27. Being under the influence of drugs, alcohol, controlled substances, or any other intoxicating substance or beverage while on duty or on call, or otherwise being in violation of the City's Drug and Alcohol Policy;
28. Abuse of office or position;
29. Receiving a gift, reward or any other form of compensation that compromises an employee's position and responsibilities with the City;
30. Failure to comply with notification requirements for absences;
31. Acts of dishonesty in the performance of duties;
32. Causing workplace disharmony, spreading rumors, intra-office drama and disruptive conduct;
33. Tampering with or changing governmental records or information on a city system.

It is not possible to list all rules of work conduct, and the various forms of prohibited conduct identified in this provision are not necessarily inclusive of all forms of prohibited conduct. The City tries to avoid unnecessary restrictions on an employee's personal conduct because we feel certain that our employees will exercise common sense and follow the generally accepted customs of good taste and standards of ethical behavior. The degree of discipline imposed for a particular act or omission may vary and is within the discretion of the City. No guarantee of continued employment or "for cause" employment separation is made hereby.

SECRET RECORDING OF CO-EMPLOYEES, SUPERVISORS AND/ OR CITY OFFICIALS PROHIBITED: Proper functioning of the City requires that persons feel free to communicate with one another in a candid and open manner and that there be a spirit of cooperation. Surreptitious recording of co-employees, supervisors or City officials creates a barrier to these goals being achieved, creates tension, and is counterproductive. Therefore, secret tape recording or videotaping by, or caused by, an employee of the City of co-employees, supervisors, or City officials is strictly prohibited, regardless of the alleged reasons therefore. This prohibition applies regardless of whether the employee is a party to the conversation. Violation of this policy will give rise to disciplinary action up to and including termination. The only exception to this policy is if the taping is part of a criminal investigation and the proper authorization from a court has been obtained.

B. DRESS CODE

This policy defines dress and personal appearance guidelines in order to promote a positive, professional work environment and to further enhance the reputation of City employees, and the work that we do, in the community.

This policy applies to all City employees, and temporary employees while working on City premises and/or representing the City during business hours. Police and fire personnel governed by departmental rules are excluded. The standards addressed in this policy are a general overview of acceptable professional dress for regular work hours.

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the work place year-round, in accordance with this policy. Department heads are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department heads and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits and dress shirts for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e., City Council meetings, receptions, meetings with other professionals.) Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.

The City defines business casual dress as follows:

Skirts or dresses should be no shorter than two inches above the top of the knee. Skirts or dresses with slits should not be too revealing. Necklines should not be revealing and dresses or tops with spaghetti straps should not be worn. Collared shirts or polo-type shirts are acceptable in the workplace.

Knee-length pants, wind suits, sweat suits, spandex bike shorts (unless approved by Department Head), workout gear, or exercise tights will not be allowed. The only shorts allowed to be worn are those which are knee-length, loose-fitting and worn as part of a dress suit or a uniform. Casual shorts of any kind will not be permitted for work attire. Leggings and stirrup pants must be loose fitting and worn with a long shirt which covers the hips. Jeans should be in good repair.

T-shirts or other apparel with obscene, vulgar or inappropriate writing on them will not be permitted. Tank tops, muscle shirts, halter tops, crop tops, tube tops, tops that are see-through, City of Marlin backless, have spaghetti straps or revealing necklines should not be worn.

Footwear and accessories should reflect the professional image of the total outfit. Thongs, slippers, beach sandals, or flip-flops, are not considered appropriate footwear for the office environment. The footwear listed above should never be worn during working hours. Exceptions may be made based on job requirements and approval of the department head.

If uniforms are furnished by the City, the employee will be required to wear the uniform while on duty with the City of Marlin. Uniforms should be worn neatly. Employees are required to adhere to uniform standards as set forth by their respective department. Employees are required to wear uniforms in an appropriate manner (shirt buttoned, sleeves not rolled up, etc.). City uniforms should be clean and well maintained. Employees are not authorized to wear the City-issued uniform while performing work for another employer, unless authorized by department head. Additionally, City uniforms, should not be worn while drinking or purchasing alcohol.

On Fridays clothing may be Friday casual. Friday casual provides employees with an opportunity to dress informally while maintaining a professional appearance. Friday casual may include neat blue jeans, collared shirts and t-shirt/sweatshirts with appropriate emblems. If a t-shirt is provided to personnel, it should be worn that day.

Employees in violation of this dress code shall first be counseled by a supervisor. Should it become

necessary for a supervisor to require any employee to leave the work place to dress in more appropriate attire, the employee will not be paid for any missed time and will be expected to return to work the same day. Continued violations may result in written reprimands and/or corrective action up to and including termination.

Body piercing jewelry, with the exception of earrings worn in the earlobes, is discouraged. The City reserves the right to require piercings and tattoos to be covered during work hours where such do not reflect the professionalism expected by the City.

C. TELEPHONE USE

City telephones are to be used for City business purposes. Personal phone calls must be kept to a minimum. Personal calls should never take precedence over customer calls.

Only local calls should be made. Any personal long-distance calls should be charged to the employee by way of third party call, calling card, or credit card. Outgoing long-distance business calls should be made using a provided pin.

The personal use of City-furnished cell phones carries the great potential for abuse therefore; such non-business use should be held to a minimum. At the end of each month, a call detail report may be furnished to each employee with a city-furnished cell phone. The employee may be required to certify all calls on the bill as “All Business” or identify any personal call and reimburse the City for the extra charges, if any assessed for the personal call(s). This includes any personal calls included in the base rate to the extent that such personal use contributed to overage charges for business calls. A call detail must be returned to the finance department within 72 hours of receipt with the “all business certification” or identification and reimbursement for personal calls.

The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee’s use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance.

Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker’s ability to do their jobs. Employees who serve the public should not use cell phones at their desk to talk or text. Employees, who use cell phones to violate City policy, will be subject to corrective action, up to and including discharge. At no time will cell phones be used to text while driving.

D. CONFLICT OF INTEREST

No officer or employee of the City shall accept, directly or indirectly, any gift, favor, privilege or employment from any person, firm or corporation; (1) if such gift, favor or privilege is an inducement to official action, or (2) if the person making the gift, favor or privilege has pending any business before the City.

E. OUTSIDE EMPLOYMENT

Outside employment will be allowed only with the prior approval of your immediate supervisor and the department head. Work requirements including overtime will have precedence over any other

employment. The following guidelines shall also apply with regard to outside employment:

1. A full-time regular employee will consider their job with the City as their primary job.
2. If an employee is planning on taking an additional job, written permission must first be obtained from their immediate supervisor and the department head.
3. Permission will not be granted for an employee to undertake outside employment with an organization or municipality that is in competition with, presents a potential conflict of interest with, or brings discredit upon the City of Marlin.
4. If the work standards or performance of an employee of the City suffers and it's determined to be caused by outside employment, permission to work at the outside job may be rescinded, or the employee may be subject to discharge.
5. The City will not pay medical benefits for injuries or illnesses suffered as a result of employment at another organization.
6. The City employee will notify their supervisor immediately upon any change in outside employment status or condition.

F. WORK STANDARDS

It shall be the duty of each employee to maintain high standards of cooperation, efficiency and economy in his or her work for the City. Department Heads shall organize and direct the work of their departments to achieve these objectives.

If work habits, attitude, production and/or personal conduct of an employee fall below appropriate standards, the supervisor shall point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal corrective action, but nothing herein shall prevent immediate formal action as provided elsewhere in these rules whenever the interest of the City requires same.

G. OFFICE ENVIRONMENT

The appearance of the work area and building also impact the perception of professionalism of the City and its personnel. Disregard for the work environment may lead to a perception of poor customer service and may result in an unattractive facility which is difficult to maintain.

Good judgment for maintaining a professional office environment includes:

Staff responsible for greeting the public shall not eat at their work stations or talk or text on their cell phones at their work stations.

Employees should be mindful of their surroundings and co-workers. If playing music, the volume should be kept at a point where it is only heard in their immediate area.

Work areas and adjacent public areas should be kept neat and organized.

Employees who choose not to leave the work location for lunch should make greater use of the break rooms provided.

Non-Exempt employees must take their lunch meal period away from their work station to ensure compliance with the Fair Labor Standards Act regarding pay.

As provided by City ordinance, all City buildings, and other enclosed spaces are smoke free. The use of tobacco in any form is not allowed when having direct contact with the public. Employees violating the ordinance are subject to the penalties provided by ordinance and/or disciplinary action.

H. GIFTS

The City strives to treat employees, citizens and individuals conducting business with the City in a fair and equitable manner. An employee (and his/her relatives and significant others) may not receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his or her job with the City. Individual City employees are prohibited from soliciting,

accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who had done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following will not be in violation of this policy:

An award publicly presented in recognition of public service

An occasional meal where public business is discussed

T-shirts, caps and other similar promotional material

Any gift which would have been offered or given to the employee even if the employee were not a City employee.

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her supervisor to see if the item should be returned, or in the alternative, turned over to the City.

Employees may not give their supervisor or anyone else in City management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.

The City takes this policy very seriously and violations may result in corrective action up to and including termination of employment. Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Human Resources Coordinator.

I. CONSEQUENCES FOR VIOLATION OF THIS POLICY

Supervisors are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling employees whose appearance or personal hygiene is inappropriate or offensive. Supervisors are also responsible for enforcing rules regarding conduct.

SECTION 7

SEXUAL HARASSMENT AND DISCRIMINATION

A. THE CITY'S POLICY ON SEXUAL HARASSMENT

It shall be the policy of the City of Marlin to provide and maintain a work environment free of sexual harassment, sexual exploitation, and sexual intimidation and to investigate any complaint of sexual harassment. All employees are expected to comply with this policy, and failure to do so will result in disciplinary action up to and including immediate termination.

B. SEXUAL HARASSMENT-DEFINITION/PROHIBITED

Sexual harassment can occur in many forms, including, but not limited to unwelcome physical contact, verbal abuse based on gender, leering gestures, subtle advances and pressure inviting sexual activity, display of sexually oriented materials or objects that offend another employee, sexual innuendoes and conversation of a sexually oriented nature that is offensive or unwelcome to another employee, and hostility or discriminatory treatment solely based on gender, and use of derogatory or patronizing terms, such as "babe" or "sugar". Such conduct will not be tolerated by the City. Furthermore, such conduct is unlawful where submission to the conduct is made a term or condition for obtaining employment opportunities or avoiding adverse employment action, submission to or rejection of the conduct is used as a basis for making employment decisions, or where the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Sexual harassment of any type is strictly prohibited and will give rise to disciplinary action up to and including discharge.

C. SEXUAL HARASSMENT-REPORTING

If an employee feels that he or she is being sexually harassed, the employee should tell the harasser he or she finds the conduct offensive and insist that it stop. The employee should further report the matter to his or her immediate supervisor. If the employee is unable or unwilling to speak with his or her immediate supervisor about the harassment, or if the supervisor is the harasser, the employee should report the incident directly to the next higher level of authority in his or her department or to the Human Resources Coordinator. A supervisor or official receiving a report must immediately notify the Human Resources Coordinator. The employee should be requested to put the report in writing, but the failure or refusal of the employee to do so does not justify doing nothing. In that circumstance, the supervisor or official who received the verbal report shall create a written report of what they were told. All written reports shall be immediately provided to the Human Resources Coordinator. The City will investigate the matter promptly and take whatever corrective action is appropriate. Upon receiving a report, supervisors should be proactive in protecting the alleged victim from further harassment during the investigation. This may include increased supervision, re-arranging employee work locations or job assignments or other appropriate actions. Any such steps must not create the appearance that the alleged victim is being retaliated against for reporting. Employees are encouraged to report sexual harassment whether or not they are the victim of the harassment.

The failure of a supervisor to report allegations made to him or her in accordance with this policy

will give rise to disciplinary action against the supervisor, possibly including discharge.

D. SEXUAL HARASSMENT-INVESTIGATION AND CORRECTIVE ACTION

Upon receiving a report, the Human Resources Coordinator shall immediately investigate the matter. The Human Resources Coordinator shall consult with the City Manager or the City's legal counsel as necessary for guidance in conducting the investigation. The Human Resources Coordinator shall promptly report his/her findings to the City Manager. The City Manager will conduct whatever additional review he/she deems necessary. If the City Manager finds the report to be reasonably supported, he/she shall promptly take corrective action against the offending employee, which may include discharge. In situations where the report cannot be reasonably substantiated, steps should still be promptly taken to avoid the possibility of future problems where possible and to stress the City's lack of tolerance for such behavior.

E. SEXUAL HARASSMENT-RETALIATION PROHIBITED

Retaliation against any employee for reporting or opposing sexual harassment is strictly prohibited and will give rise to disciplinary action against the perpetrator up to and including discharge.

F. SEXUAL HARASSMENT-SUPERVISOR'S RESPONSIBILITY

Each supervisor has the responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and stressing the gravity of such conduct.

G. THE CITY'S POLICY ON DISCRIMINATION

The City is an equal opportunity employer. Discrimination on the basis of race, creed, national origin, religion, gender, age, disability or other status protected by law is not City policy.

H. DISCRIMINATION PROHIBITED

Discrimination or harassment against an individual on the basis of race, creed, national origin, religion, gender, age, disability or other status protected by law is prohibited and will not be tolerated. Violators will be subject to disciplinary action, including possible discharge.

I. REPORTING DISCRIMINATION

An employee who believes that they are being discriminated against or harassed in violation of this policy should report the matter to his or her immediate supervisor. If the employee is unable or unwilling to speak with his or her immediate supervisor about the discrimination, or if the supervisor is the offender, the employee should report the incident directly to the next higher level of authority in his or her department or to the Human Resources Coordinator. A supervisor or official receiving a report must immediately notify the Human Resources Coordinator. The employee should be requested to put the report in writing, but the failure or refusal of the employee to do so does not justify doing nothing. In that circumstance, the supervisor or official who received the verbal report shall create a written report of what they were told. All written reports shall be immediately provided to the Human Resources Coordinator. The City will investigate the matter promptly and take whatever corrective action is appropriate. Upon receiving a report, supervisors should be proactive in

protecting the alleged victim from further discrimination or harassment during the investigation. This may include increased supervision, re-arranging employee work locations or job assignments or other appropriate actions. Any such steps must not create the appearance that the alleged victim is being retaliated against for reporting. Employees are encouraged to report discrimination whether or not they are the victim of the discrimination.

The failure of a supervisor to report allegations made to him or her in accordance with this policy will give rise to disciplinary action against the supervisor, possibly including discharge.

J. INVESTIGATION AND CORRECTIVE ACTION REGARDING REPORT

Upon receiving a report, the Human Resources Coordinator shall immediately investigate the matter. The Human Resources Coordinator shall consult with the City Manager or the City's legal counsel as necessary for guidance in conducting the investigation. The Human Resources Coordinator shall promptly report his/her findings to the City Manager. The City Manager will conduct whatever additional review he/she deems necessary. If the City Manager finds the report to be reasonably supported, he/she shall promptly take corrective action against the offending employee, which may include discharge. In situations where the report cannot be reasonably substantiated, steps should still be promptly taken to avoid the possibility of future problems where possible and to stress the City's lack of tolerance for such behavior.

K. RETALIATION PROHIBITED

Retaliation against any employee for reporting or opposing discrimination is strictly prohibited and will give rise to disciplinary action against the perpetrator up to and including discharge.

L. SUPERVISOR'S RESPONSIBILITY

Each supervisor has the responsibility to maintain the workplace free of discrimination. This duty includes discussing this policy with all employees and stressing the gravity of such conduct.

SECTION 8

POLITICAL ACTIVITY AND SOLICITATION

A. POLITICAL ACTIVITY

Employees shall refrain from publicly using their positions with the City for or against any candidate for public office in any jurisdiction. Employees shall not use working hours or City property to campaign or raise funds on behalf of candidates for public office in any jurisdiction. Employees shall not intimate that the City supports or opposes any particular political candidate. Any official comment on ballot measures must come from the City Manager, and no employee is authorized to give the impression that he or she is speaking for the City. An employee shall not run for an elective office of the City while employed by the City.

B. SOLICITATION

Solicitation of funds or anything of value for any purpose whatsoever shall be permitted by City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution or may be penalized or rewarded in any way in connection with his or her employment according to his or her response to the solicitation.

SECTION 9 DRUG AND ALCOHOL POLICY

It is the policy of the City to endeavor to maintain a workplace that is free from the effects of alcohol and drug use so that employees may work in a safe and healthy environment. Compliance with this policy is a condition of your employment or continued employment with the City.

Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, narcotics, inhalants, alcoholic beverages, drug paraphernalia, or other controlled substances on City premises and work sites, or while in City vehicles, or operating City equipment. Employees are prohibited from being under the influence of illegal drugs, narcotics, inhalants, alcoholic beverages, or other controlled substances during work hours or while performing employment tasks for the City. [*having any detectable amount of an illegal drug or alcohol in your system while performing work for the City is prohibited whether or not such would rise to the level of “intoxication” or “being under the influence” for purposes of criminal laws].

The unlawful use of legal drugs or the use of legal drugs contrary to the prescription for such drugs can present the same types of concerns as use of illegal drugs. Therefore, the unlawful use of excessive use of lawful drugs in a manner contrary to the prescription for such drugs which has or could have an effect on an employee’s ability to perform his or her job, or could adversely affect the safety of the employee, co-workers or the public, is absolutely prohibited in the same manner as illegal drugs are prohibited under this Policy.

Applicants for employment will be subject to post-offer, pre-employment drug and alcohol testing. Employees are subject to drug/alcohol testing where there is “reasonable suspicion” to believe that the employee has used drugs or alcohol while on duty for the City or has performed duties for the City under the influence of the same. Random drug and alcohol testing is authorized.

Public safety personnel and employees required to hold a commercial driver’s license are also subject to periodic and random testing.

Employee’s required to hold a commercial driver’s license also fall under the applicable Department of Transportation regulations.

Any employee involved in an accident while operating a City vehicle must submit to post-accident drug and alcohol testing.

Employees violating this policy will be subject to disciplinary action up to and including dismissal from employment.

Treatment for drug, alcohol, or substance abuse may be available according to the provisions of the employee's health plan. Employees should contact their primary care physicians and health insurance carrier. The City does not directly provide any such treatment.

Employees may contact the Human Resources office for assistance in obtaining educational materials related to drug, alcohol, or substance abuse.

SECTION 10 ATTENDANCE

Punctuality in reporting for work and regular attendance are absolutely essential to the City's fulfillment of its mission to the citizens of our community. We are all members of a team, and no team does its best unless everyone is on hand, prepared for a working day, and ready to start at the same time.

When an employee knows in advance of an impending absence, they must request permission to be absent from their supervisor at least twenty-four (24) hours in advance of the scheduled work shift. The supervisor will evaluate the reason for the absence and decide whether the employee may be excused.

An unexcused absence subjects the employee to discipline.

If, because of some personal or family emergency or illness, you are unable to give advance notice of your absence, you must notify your supervisor as soon as possible on the day of absence. In no event shall you notify your supervisor later than the first half-hour of your shift.

If you expect to be late by more than thirty (30) minutes, call your supervisor and inform him/her of the delay. A non-exempt employee who is late for work will forfeit pay for the actual time they are late, calculated to the nearest one-tenth (1/10) hour.

If you are unable to reach your immediate supervisor, notify the Human Resources Coordinator of your absence or tardiness. Except for absences specifically covered by a provision of our employee benefit programs, all absences will be without pay.

Remember that excessive absenteeism, tardiness and failures to report an absence reflect on your work record. It is your responsibility as an employee to contact your supervisor regarding your absence. An employee with an absenteeism, tardiness, or no-call record will be subject to disciplinary action, including discharge.

If you are absent and your supervisor or the Human Resources Coordinator does not hear from you for two (2) consecutive work days, you will be considered to have quit your job and your name will be removed from the payroll. If you are absent for medical reasons three (3) or more consecutive work days, you may not return to work without a report from a doctor giving the date of your illness or injury, explaining the nature of your illness or injury, and releasing you for return to work without limitation.

Naturally, the City will promote to jobs only those employees on whom it can depend. Regular and timely attendance is a sign of a responsible, dependable employee.

SECTION 11

EMAIL AND INTERNET USE POLICY

A. POLICY OVERVIEW

The Email and Internet Use Policy is designed to outline the City's expectations and requirements for employees using the Internet and its components. This policy distinguishes between Internet access during the employee's working hours and activities performed on personal time. All personal use must be in accordance with the restrictions set forth in this policy.

Only those employees authorized by the City Manager to access the Internet may do so using the City's hardware, phone connections and Internet Service Provider. Authorized access may occur only after the employee has been trained and understands the Email and Internet Use Policy.

B. AUTHORIZATION FOR EMAIL AND INTERNET USE

The Internet provides a source of information that can benefit the City. It can also be used to improve customer service, research relevant topics and obtain useful business information. It is the City's policy that employees whose job functions justify Internet use will be provided access.

Management will approve Internet access based on need and will determine if the account is exclusive or shared with other users. Management will also determine if one or more components of the Internet will be authorized for access including: Email, World Wide Web, newsgroups or others determined appropriate based upon the employee's job function.

C. ACCEPTABLE USE

Employees authorized to access the Internet must respect it as a business tool. Access to the Internet is primarily provided for business purposes, but may also be used for personal purposes. Personal use is allowed provided that it does not interfere in any way with the intended uses of the City's resources, and that it is performed during personal time. All personal use must also be in accordance with the restrictions and requirements set forth on this policy.

Employees are reminded that messages sent on the Internet may be seen by others and as such they may not make comments that represent the City's position unless authorized to do so. Proper use requires employee's access to Internet sites and content of e-mail be conducted in a professional and appropriate manner. Employees must consider customer e-mail the same as other written requests and process them accordingly.

The insecure nature of email requires a constant awareness by employees that any message transmitted may be viewed by people other than the intended recipient(s), and must not include any confidential or sensitive information.

Proper use requires that employees respect all copyrights, software licensing rules, property rights

and privacy of others. Employees must also ensure that any file received electronically is scanned for virus contamination.

PLEASE NOTE THAT YOUR E-MAILS MAY BE SUBJECT TO PUBLIC DISCLOSURE UNDER THE TEXAS PUBLIC INFORMATION ACT.

D. INTERNET MONITORING

The City reserves the right to monitor any employee's Internet and Email use. The City reserves the right to inspect any and all files stored on City-owned systems or hardware.

The City may use software and systems to monitor and record all Internet activities. No user should have any expectation of privacy regarding Internet usage. The City will assign appropriate technical staff to review Internet activity logs and report suspicious findings to management. The City may use software to identify and monitor usage of any inappropriate or sexually explicit Internet sites.

E. INAPPROPRIATE USE/CAUTIONS

Employees may not upload, download, or otherwise access information with the following material or content:

Material that could be perceived as abusive, hateful, demeaning, derogatory or defamatory. This particularly includes any material pertaining to race, color, religion, national origin, gender, sexual orientation, political beliefs or disabilities.

Material that is pornographic, obscene, sexually explicit, indecent or vulgar.

Material that includes any confidential information from the City, its customers or vendors without authority to do so based on the employee's position and function.

Solicitations or advertisements for any organization other than the City.

Any materials or programs in violation of copyright protections.

Material that contains any virus, worm, Trojan Horse or trap-door program code.

Material that may attempt to disable or overload any computer system or circumvent any system intended to protect the privacy or security of another user.

Material that is sent anonymously, or any email sent under an alias.

Employees may not vandalize damage, disable or gain access to another employee's computer files or data. Federal Law prohibits unauthorized access to a computer or its data.

Employees may not engage in any activity restricted by local, state, federal or international laws. Use of any resources owned or provided by the City for illegal activity may be grounds for immediate

dismissal. It is the policy of the City to cooperate with any legitimate law enforcement activity.

Chain emails and mass emails shall never be sent from City computers other than for official City business. Storage of an excessive number of emails on your computer is discouraged, as such takes up disk space and causes computer performance problems. Important information relating to City business should be saved to your user directory to ensure that it is saved. Storage of an excessive amount of personal e-mails is prohibited. Generally, personal e-mails should be cleared daily. Important personal e-mails may be stored for a short period of time; however, the preferred practice is for such e-mails to be sent on to the employee's personal computer and deleted from the City system.

Downloading or streaming of MP3 and other music files, video files, TV or radio programs, and browser enhancements is strictly prohibited unless directly associated with your job duties and authorized by the City Manager in consultation with I.T.

The following actions are prohibited:

- a. Use of systems and/or networks in attempts to gain unauthorized access to remote systems.
- b. Decryption of system or user passwords.
- c. The unauthorized copying of system files.
- d. The copying of copyrighted materials, such as third-party software, without the express written permission of the owner or a proper license.
- e. Any unauthorized attempts to secure a higher level of privilege on Network systems.
- f. The willful or reckless introduction of computer "viruses" or other disruptive/destructive programs into the City's network.
- g. Unprotected remote access to the network.

Users are not permitted to invoke an attached executable (*.exe) file on an e-mail received from anyone, whether known or unknown to the recipient, at any time without specific approval of their supervisor.

Any employee bringing in diskettes, CD's, DVD's, or any other media to upload/download files into PC's or networks must first clear such items through their supervisor. Generally, these will be prohibited unless part of a work product.

Listservs, Mailing Lists, and Discussion Groups: City of Marlin employees are not to establish electronic mailing list servers and/or function as "List Owners", without written authorization from the City Manager's Office. Employees should carefully select the mailing lists you subscribe to ensure their content will be useful. Some mailing lists are very active (flooding your mailbox with several hundred messages a day, impacting both the employee's time and the network's resources. Employees must unsubscribe to all mailing lists when their account addresses changes or when you leave City of Marlin employment.

Downloading files using FTP (File Transfer Protocol): File transfers should only be performed on a very selective basis and only for City business. The effects of an FTP connection on a site and its link can vary. The general rule of thumb is that any extra traffic created detracts from the ability of that

site's users to perform their tasks. Extensive file transfers are discouraged during normal working hours. Users must be knowledgeable about the resource requirements for the file transfer both in terms of the network and of the desktops capacity. Limit downloads, especially large files, to a time after normal business hours locally and for the remote site. Due to security risks to the network, do not load FTP server software on your desktop. It is the responsibility of the user to check for copyright or licensing agreements when downloading files. When utilizing "Anonymous FTP", users should type in their e-mail address when the FTP site requests a "Password". DO NOT type in your network or Internet password.

Large file transfers should be coordinated with I.T.

Telnet: Telnet requires Telnet client software be installed on your computer to use it. Because of the nature of Telnet, many systems will not allow "Anonymous" login using Telnet and require the user to have an account on their system.

Usenet (News Groups): Usenet groups can be quite numerous and extensive, and can flood a system if caution is not taken when selecting applicable groups.

World Wide Web (WWW): WWW sites with very large graphics can be very high bandwidth consumers.

Multimedia will require special hardware and software to use. Most sound, picture, and video files are not in a format your computer can automatically play. Even if the desktop has the capability, watch out for those with a very large file size. The development and management of City Department Web pages is coordinated through the Marlin City Manager's Office. Personal or employee Web pages and Web sites are not permitted on the City of Marlin system.

Internet Relay Chat (IRC), Video Conferencing, and other On-line Communication Methods: On-line communications, depending on the method employed, may utilize enormous amounts of bandwidth, and therefore, care should be taken when accessing these resources. Generally, the employee should consult with I.T. before utilizing such technologies.

F. AUDITING

Internal audits will be conducted periodically. The scope of the audit will include a review of user activity logs as generated by any monitoring software or other tools used by the City. Violations will be reported to management. Any significant violation that may result in disciplinary action or dismissal may be reported to management.

G. ENFORCEMENT

Violations of this policy may result in disciplinary actions. Depending on the severity or frequency of the violation, disciplinary action could include

A counseling statement for policy violations;

A suspension/termination of Internet use privileges (this could result in a position/function reassignment); or
Termination of employment.

Inadvertent violations of this policy will be dealt with on a case-by-case basis.

SECTION 12

WEAPONS BAN 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

Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

B. CITY'S RESPONSE TO THREATS OR ACTS OF VIOLENCE

The City will attempt to respond appropriately to any person who threatens uses of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The City's response will normally be coordinated by the Human Resources Coordinator. If the Human Resources Coordinator believes the severity of the situation requires additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence, he/she will work with the appropriate department head(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on City property, the offending person will typically be removed from the premises pending the outcome of an investigation. The City may also suspend and/or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the City's choosing, initiates criminal prosecution of the person or persons involved, and/or other actions and determined by the City to be appropriate under the circumstances. Acts of violence by an employee will normally result in termination.

No existing City policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

C. ALL 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 or in a City vehicle. The City prohibits employees from carrying or using any weapons, concealed or otherwise, on City property or in a City vehicle. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. ---but do not include City-provided tools necessary for the employee's job.

D. MANDATORY REPORTING

Each City employee must immediately notify his/her supervisor, department head, the Human Resources Coordinator 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 head and the Human Resources Coordinator.

E. 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 Human Resources Coordinator and the City's Police Department with 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 also must immediately advise their department head and the Human Resources Coordinator of any protective or restraining order issued against them.

F. 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.

G. 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, etc.

H. DOCUMENTATION

When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Human Resources Coordinator and/or the Police Department

I. POLICY VIOLATIONS

Violations of this policy may lead to corrective action, up to and including termination of employment.

SECTION 13 GRIEVANCES, APPEALS AND TERMINATION OF EMPLOYMENT

A. GRIEVANCE PROCEDURES

Employees shall be encouraged to informally take any job-related complaints or problems to their immediate supervisors. Following informal discussions, an employee remaining dissatisfied with a working condition or some other aspect of employment, not subject to appeal of corrective action procedures, may submit a written grievance to his or her immediate supervisor within fifteen (15) calendar days after the cause of the grievance arises or becomes known to the employee.

It shall be the responsibility of the immediate supervisor to study the grievance and attempt to resolve it within ten (10) calendar days and further discussions with the grievant shall be encouraged. Supervisors and employees should make every effort to resolve grievances at the lowest level possible. Employees shall be kept informed of the status of their grievances. Punitive action shall not be taken against an employee for submitting a grievance.

B. APPEAL PROCEDURES

If a person in the supervisory chain fails to resolve or refer a grievance within ten (10) calendar days, the employee may present the grievance directly to the next higher level of supervision.

An employee who receives corrective/disciplinary action may file a written appeal with the next higher supervisor within ten (10) calendar days of the corrective/disciplinary action.

If the grievance or appeal cannot satisfactorily be resolved within ten (10) calendar days, the appropriate supervisor shall refer it with comments and/or recommendations to the next higher level of supervision, and so on up to the City Manager if necessary. The employee's right of final appeal shall rest with the City Manager. The City Manager's determination is final.

The grievance process does not apply to terminations. A terminated employee who believes his/her termination was based on unlawful discrimination or retaliation shall use the process established in Section 7, but shall file their complaint directly with the Human Resources Manager within 15 business days of termination. A terminated employee not complaining of discrimination may request in writing that the City Manager review his/her termination *IF* the City Manager was not the person who discharged the employee. The request must be made within 5 business days of termination. The City Manager's decision is final. In cases involving the termination or suspension without pay of council appointed positions, the City Council's decision is final.

SECTION 14

CITY PROPERTY/EQUIPMENT USE

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the City 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.

From time to time, the City may issue equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, 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 agreeing to be responsible for the cost of lost, damaged, or unreturned items. The City may take any action it deems appropriate or necessary to recover and/or protect its property. Failure to comply with the agreement to reimburse the City may result in suspension or termination.

Employees must notify their supervisor immediately if any vehicle, equipment, machine, tool, etc. appears to be damaged or defective, or is 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, or unsafe use or operation of equipment may result in disciplinary action, up to and including termination of employment.

A. PERSONAL USE PROHIBITED

City property, materials, supplies, tools, equipment or vehicles may not be used for personal business.

B. SMOKING PROHIBITED

Smoking is prohibited while operating and/or being a passenger in City owned vehicles and/or equipment.

C. TAKE HOME VEHICLES

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. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties. 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. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

E. USE OF CITY VEHICLES

City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. Whether an employee drives his/her own 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:

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.

Always observe all posted laws and speed limits excluding police officers in performance of duty.

Always wear seat belts when the vehicle is in operation.

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 head.

All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.

Report any broken, missing or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.

All drivers must be eligible for coverage under the City's insurance policy.

Drivers covered by Department of Transportation regulations must comply with those regulations at all times.

NO TEXTING

AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.

EMPLOYEES INVOLVED IN AN ACCIDENT 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 HEAD, AND/OR CITY MANAGER. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT HEAD AND THE HUMAN RESOURCES COORDINATOR.

The City may at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate in giving the City whatever authorization is required for this purpose. A driving record check **MUST** be completed for all new hires that may drive as part of their job duties, and a copy must be maintained by Human Resources.

An employee who drives as part of his/her job duties must maintain a driving record acceptable to

the City's insurance/risk carrier. If the employee becomes uninsurable under the City's coverage or his/her coverage would require additional cost based on his/her record---the employee will be separated or demoted to a position not requiring the operation of a City motor vehicle.

F. PERSONAL PROPERTY

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

G. RETURN OF CITY PROPERTY UPON SEPARATION

By continuing your employment after the adoption of this policy you agree to the following:

All City property issued to or possessed by you must be returned to the City and the return verified by your department head to the City Secretary before your final paycheck is released. This includes radios, cell phones, tactical gear, bullet proof vests, uniforms, keys, tools, etc.

If you are unable to return the property because it has been lost or destroyed or otherwise, you agree that the cost to the City of replacing the property may be deducted from your final paycheck. (for keys, this may include the cost of replacing locks).

SECTION 15 SICK LEAVE

Sick leave is a privilege and not a right. Sick leave is provided to safeguard employee health and morale.

Sick leave may be used for approved medical, dental or eye appointments. An employee shall be required to request prior approval from their supervisor for sick leave to be used for non-emergency medical, dental, and optical appointments or procedures.

Sick leave may be used in the case of personal illness (or off-the-job injury) or to care for an immediate family member who is ill or injured and who resides in the household.

Pregnancy or birth of a child will be treated as any other illness for the purposes of the City's sick leave policies.

When an employee uses sick leave, the employee will be granted up to the number of hours of sick leave that he/she was normally scheduled to work for the applicable day. Sick leave is not considered as hours worked for purposes of overtime.

The employee's supervisor may require a doctor's excuse anytime an employee uses sick leave. Absences of three (3) or more consecutive days must be documented by a physician's or health care provider's statement. An employee's supervisor may require a medical excuse for an absence of less than three days at the supervisor's discretion.

An employee who has been receiving sick leave benefits and has been released by the attending physician/provider must return to work the first work day after receiving such release. An employee that fails to return to work after being released will be treated the same as an employee that fails to report to work and may be subject to disciplinary action including dismissal.

Full-time, regular employees are allowed sick leave with full pay computed on the basis of 8 hours per month of employment for employees who are not firefighters or law enforcement officers. For law enforcement officers, sick leave accrues at 8.6 hours per month. For firefighters, sick leave accrues at 10.6 hours per month. Sick leave will not be accrued during a non-pay status. A maximum of 480 hours sick leave may be accumulated. Once the limit is reached no further sick leave will accrue until the balance falls below the limit. Sick leave will not accrue for any month where the employee was absent for more than 2/3rds of the normally scheduled work days for the employee regardless of whether the absences were paid.

New employees shall be entitled to sick leave with pay only after being employed at least ninety (90) days and only to the extent of sick leave actually accrued. Accumulated sick leave is for the sole purpose of permitting an employee to be relieved of his/her duties during actual illness and may not be used under any other circumstances except for serious illness/injury in the employee's immediate family requiring the presence of the employee. The immediate family is defined as the employee's husband, wife, children, or parents if living in the same household.

A record of the employee's accrued sick leave shall be maintained in the Human Resources Office. The City Manager or Department Head may, at his/her discretion, require an employee who comes to work with an illness that endangers the health and wellbeing of the employee or his/her co-workers to leave work.

Sick pay may not be applied to absences for which the employee is receiving compensation for lost wages under some other insurance program, including workers compensation. An employee becomes ineligible for sick leave benefits upon giving notice of resignation.

Separating employees (whether voluntary or involuntary) are not paid for accrued but unused sick leave. No payment for sick leave in lieu of use is authorized under any circumstance.

Abuse of sick leave will result in disciplinary action, possibly including discharge

SECTION 16 VACATION LEAVE

Vacation time provides employees with an opportunity to rest, relax, and refresh themselves, which benefits both the employee and the city. All employees are encouraged to take their earned vacation.

Subject to the terms and conditions set forth below, regular, full-time employees are entitled to vacation with pay according to the following schedule:

Other than Firefighters/Law Enforcement Officers: *

Years 1-10 Accrual at 6.66 hours per month (maximum 80 hours)

10 years or more Accrual at 10 hours per month (maximum 120 hours)

Firefighters:

Years 1-10 Accrual at 8.75 hours per month (maximum 105 hours)

10 years or more Accrual at 13.33 hours per month (maximum 160 hours)

Law Enforcement Officers:

Years 1-10 Accrual at 7.16 hours per month (maximum 86 hours)

10 years or more Accrual at 10.83 hours per month (maximum 130 hours)

- Must be continuous employment. A break in employment starts the accrual schedule over.

(Annual total of accruals is rounded to the nearest tenth).

The “anniversary date” of regular, full time employees shall be the date falling one year after their initial day of employment.

Vacation leave will not accrue in any month where the employee is absent on unpaid leave for more than 1/2 of the normally scheduled work days for the employee. Vacation leave will not accrue in any month where the employee is absent for more than 2/3rds of the normally scheduled work days for the employee regardless of whether the absence was paid, unpaid or a combination of both.

Vacation leave is intended to be taken by the employee in the employment year earned. Carry-over to the next year is limited to 40 hours for non-firefighters/law enforcement officers, 43 hours for law enforcement officers, and 53 hours for firefighters. Earned but unused vacation leave in excess of the carry-over limit is lost and cancelled. In addition, there is a limit on the amount of total accumulated vacation leave that an employee may maintain. Those limits are: 80 hours for non-firefighters/law enforcement officers, 86 hours for law enforcement officers, and 106 hours for firefighters. If the limit is exceeded, the employee must use sufficient vacation leave to bring the accumulated leave amount below the limit within 90 days or the excess accumulated leave above the limit is lost and

cancelled.

Vacation leave may only be used by employees who have completed one year of employment. In special circumstances, the City Manager may approve use of vacation leave after the employee has completed at least six months of continuous service, but only to the extent of vacation leave earned.

Vacations should not be taken in less than five (5) day units except with the approval and consent of the department head. Time that is taken in units of 5 days or more should be applied for in writing within two weeks prior to commencement date. Time taken in units of less than 5 days should be applied for within 48 hours of proposed commencement.

It is likely that the City will be able to permit you to take your earned vacation during the time period you request and the City will make every effort to accommodate reasonable requests. Naturally, the efficiency of the employee's department and the needs of the public come first, and the City reserves the right to set the times when vacations may be taken.

If a holiday occurs during an employee's vacation, the holiday is not chargeable as vacation time, but rather counts as a paid holiday. Employees who are confined to bed during their vacation time due to illness or injury may request that the time of illness or injury be charged to sick leave. The request must be approved by the immediate supervisor and must be supported by a doctor's certification that the employee was confined to bed during that period of time.

Upon resignation, an employee may receive pay for any unused vacation leave provided they give two (2) weeks written notice of their resignation and is not subject to discharge for misconduct. An employee may not take vacation leave during this two (2) week period, since the purpose of a two (2) week notice is to enable the City to find a replacement for the vacated position. The department head and the City Manager must approve any waiver of this rule.

If a holiday falls during the period an employee is on vacation, the holiday shall be handled in accordance with the provisions of the POLICY ON HOLIDAYS and will not be charged against the employee's vacation balance.

Employees may not borrow against future vacation leave accruals.

Employees will not be paid cash in lieu of taking vacation leave unless such is expressly approved by the City Council on the recommendation of the City Manager and the department head where necessary to prevent the disruption of City operations.

Vacation leave does not count as hours worked for purposes of overtime calculation.

SECTION 17 OTHER LEAVE

A. CIVIC RESPONSIBILITIES

Jury Duty/Compelled Witness. All employees will be excused from work for whatever time is necessary when they are called to jury service or subpoenaed as a witness in a court of law. Employees receiving notice of a jury call or witness duty are expected to notify their supervisor at the earliest opportunity and to keep their supervisor informed of their expected date of return so that replacement personnel can be arranged for if required. Regular full-time and regular part-time employees called for jury service may receive pay. Leave for service as a witness is unpaid, unless such service is on the City's behalf. In order to receive pay for jury service an employee must present to the Human Resources Coordinator a statement from the court clerk of the days of such service or other evidence of the days of such service. The employee may keep the jury or witness fee, if any. AN EMPLOYEE MUST NOT BE DICRIMINATED AGAINST FOR SERVING AS A JUROR. AN EMPLOYEE RETURNING FROM JURY SERVICE SHALL BE ALLOWED TO RESUME EMPLOYMENT IN ACCORDANCE WITH APPLICABLE STATE LAW.

This provision shall not apply to grant leave for participation by an employee in litigation to which the employee is a party or in which the employee has an interest in the outcome.

Voting. All employees qualified and entitled to vote in national, state, municipal or other elections shall be allowed sufficient time off, with pay, during a workday to exercise this privilege if in the absence of such leave the employee would not be able to vote, as long as allowing such paid leave would not unduly interfere with the operations of the City. The determination of whether time-off is actually necessary to ensure the employee's opportunity to cast his or her vote shall lay within the sound discretion of the department head. Time off, with pay, to vote shall be granted where the polls are not open for two consecutive hours outside of the employee's working hours on election day.

Furthermore, in accordance with the Texas Election Code, employees will be given unpaid leave for the purpose of attendance at a precinct convention at which he or she is eligible to participate or for attendance at a county, district or state convention to which he or she is a delegate, regardless of their period of service with the City. Accrued vacation leave may be used by the employee for this purpose.

B. MATERNITY LEAVE AND EXPRESS BREAKS

A pregnant employee is expected to make her own decision, in consultation with her physician, City of as to when she will cease working. Except in emergencies, at least ten (10) working days written notice of cessation of work shall be required. The aforementioned notice shall include a statement of the employee's intention concerning resumption of work.

If pregnancy prevents an employee from properly performing her duties or creates a hazard to persons or property, the City may require the employee to go on leave. Employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as

employees with other types of temporary illnesses or disabilities.

Maternity leave shall be treated as leave without pay except for the period of time said employee is using accumulated sick leave or vacation leave to cover the absence due to pregnancy.

Additional information regarding time off for maternity leave is covered under the Family Medical Leave Act (FMLA) Policy.

BREAKS TO EXPRESS BREAST MILK: In accordance with federal and state law, the City will provide reasonable breaks for an employee to express breast milk for her nursing child until one year after the child's birth. Breaks are to be taken as needed. Any such breaks are not compensable work time. The City will designate a room, other than a bathroom, that is shielded from view and free from intrusion from co-workers or the public for the employee to express breast milk. No employee shall harass or retaliate against an employee/mother for exercising her rights hereunder. An employee who harasses or retaliates against an employee/mother for exercising her rights hereunder will be subject to disciplinary action up to and including discharge.

C. MILITARY LEAVE

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) governs the rights of employees who temporarily leave their jobs as a result of their voluntary or involuntary service in the uniformed services. The City of Marlin will comply with all federal and state laws governing military leave. Employees will be treated in accordance with applicable regulations. Generally, such leave includes National Guard and Reserve duty, and must be granted. Employees must provide 24-hour notice of military absence unless giving notice is impossible, unreasonable, or precluded by military necessity.

To be paid for military leave, employees must submit his/her request along with military orders to the Department Head and the Human Resources Coordinator.

Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. The paid leave days may be consecutive or scattered throughout the year. Employees who have exhausted all available paid military leave may, at their option, use any other available accrued paid leave time (other than sick leave) to cover their absence from work. After an employee has exhausted all available paid military leave and other available paid leave, the employee will be placed on leave without pay. Any unused paid military leave during one year does not vest or carry over into the next year.

All benefits (e.g. vacation leave) continue to accrue during paid absence on military leave, but not during unpaid absence. An employee's absence on military leave shall not be counted against the employee and the employee will be returned to work in the same position that they occupied before the leave in accordance with applicable law. A City employee who enlists in the Federal Armed Forces, Texas State Guard, National Guard, or who is a member of the National Guard or Reserve Component of the United States Armed Forces, and is called into active duty, shall be eligible for re-employment with the City in accordance with applicable law, including the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Re-employment is subject to certain conditions and requirements established by applicable laws. The returning employee must provide certain information. Furthermore, application for re-employment must be made within certain prescribed time periods.

D. BEREAVEMENT LEAVE

The City Manager shall grant leave with full pay for not more than three (3) working days in the case of the death of a member of the employee's immediate family. Immediate family includes spouse, children, parents (including spouse's parents), grandparents and siblings.

E. LEAVE WITHOUT PAY

With the approval of the City Manager, an employee may be granted a leave of absence without pay. All requests must be submitted in writing to the City Manager as far in advance as possible prior to the requested leave date. If allowed by applicable benefit contracts, employee benefits will continue during the leave of absence; however, employees shall reimburse the City for all elective payroll deductions. When an employee is on a leave of absence no sick leave or vacation will be accrued during that time. No leave will be granted per this section for the purpose of accepting temporary employment. An unpaid leave of absence may not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period. All vacation time, sick time and accumulated compensatory time must be used prior to authorization of leave without pay.

F. LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act ("FMLA") applies to the City. The FMLA is a federal law that provides unpaid leave and certain protections for eligible employees who need to take leave for specified family and/or medical reasons. "Eligible Employees" must have worked for the employer for a total of at least 12 months AND have worked at least 1,250 hours over the previous 12 months.

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job; or
- Military caregiver or exigency leave.

The City's FMLA Policy is included as **APPENDIX "B"**.

G. ABSENCE WITHOUT LEAVE

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered absent without leave and shall not be in pay status for the time involved.

Absence without leave constitutes abandonment of duties which may result in corrective action and/or termination of employment.

SECTION 18 OTHER EMPLOYEE BENEFITS

A. GROUP HEALTH INSURANCE

All regular, full-time employees of the City shall be eligible for coverage under the group hospitalization and medical insurance program provided by the City [regular part-time employees may be eligible at their own expense depending on the terms of the Master Contract/Plan and applicable regulations]. New employees will not be eligible for this coverage until they have completed ninety (90) days of employment or as set forth in the Master Contract/Plan if a different period is required thereby. The City shall pay the premium for coverage of eligible regular, full-time employees. An employee eligible for coverage under the group hospitalization and medical insurance program of the City may include eligible family members under the coverage by paying the full cost of their coverage. Premiums for family members covered under this plan shall be deducted from the employee's paycheck. The benefits for this program shall be in accordance with the provisions of the Master Contract/Plan. Continuation of benefits upon employment separation or change in circumstances shall be at the employee's (or dependent's) sole cost pursuant to the terms and conditions of the Master Contract/Plan and applicable federal and state law.

B. VISION INSURANCE

Regular, full-time employees are eligible to enroll for vision insurance. The premiums are paid by the City. Coverage under the insurance is limited by the terms of the insurance policy document. If dependents are allowed to be added to the coverage, the employee is responsible for the premium for dependent coverage, which will be deducted from the employee's paycheck.

C. OTHER INSURANCE

Other insurance coverage, such as dental and accident, are available on a voluntary, employee paid basis. Information on available voluntary, employee paid insurance programs can be obtained from the Human Resources Coordinator.

D. SOCIAL SECURITY

The City pays its share of Social Security contributions on behalf of the employee as required by law.

E. RETIREMENT BENEFITS

A retirement plan has been established with the Texas Municipal Retirement System (TMRS). The employee and employer contributions and the terms of the plan, eligibility information, and benefits provided for under the plan are available for review at the Human Resources Office during normal working hours. ALL full-time, regular employees are REQUIRED to participate in the TMRS program of the City by law.

F. HOLIDAYS

The City designates the following official paid holidays for all employees:

New Year's Day
Martin Luther King, Jr. Day
Presidents Day
Friday Before Easter
Memorial Day
Juneteenth
Independence Day
Labor Day
September 11th (firemen only)
Veterans Day
Thanksgiving Day and day after
Christmas Eve and Christmas Day

As many employees, as possible will be given each holiday off, consistent with the maintenance of essential City functions. An employee who works on a holiday as directed or required by circumstance may receive equivalent paid time off for hours *actually worked* on the holiday to be taken at a later date.

The time must be used within 180 days of accrual or it is forfeited.

Holiday pay shall be for the number of hours that the employee is regularly scheduled to work per day, but in no circumstance, shall the total paid hours for a holiday exceed 12, regardless of the employee's regular schedule.

Holidays falling within an employee's vacation period or within a period of absence properly chargeable to some other leave will be paid as a holiday and will not be counted against that leave.

Employees who are members of religious faith which celebrate widely recognized religious holidays that are not also City holidays may take leave for those days and charge such time against the annual vacation leave.

G. WORKERS' COMPENSATION

All City employees shall be covered by the City of Marlin Workers' Compensation Program while on duty for the City. The cost of this insurance is paid by the City.

Under the Workers' Compensation Program, an employee who suffers a job-related injury or job-related illness shall be eligible for medical and compensation benefits in accordance with the applicable determinations and regulations. The compensation of an employee on leave from employment with the City while receiving workers' compensation benefits shall be such benefits received, which are in lieu of compensation from the City.

An employee who suffers an on the job injury or job-related illness shall notify his/her supervisor or the Human Resources Coordinator as soon as is reasonably possible so that the appropriate reporting forms can be prepared and transmitted. The Human Resources Coordinator must be notified as soon as possible by either the employee or the supervisor. Notice to the Human Resources Coordinator should be made within twenty-four (24) hours after the incident. Failure to report job related injuries or illnesses in a timely manner may affect an employee's eligibility to receive Workers' Compensation benefits or may delay benefit payments. **See Injury and Illness Policy— (work related) attached as APPENDIX “C”.**

An employee who has been receiving Workers' Compensation benefits may be required to provide a release from the attending physician before being allowed to return to work.

No person shall ever be retaliated against for applying for or receiving workers compensation benefits. Any other employee engaging in retaliatory conduct is subject to discipline up to and including discharge.

H. UNEMPLOYMENT INSURANCE

Texas law provides that under certain conditions, weekly payments of money may be made to unemployed individuals from an unemployment insurance fund administered by the Texas Employment commission. The City contributes to this fund under the Texas Employment Compensation Act.

SECTION 19 WORK HOURS AND PAY

A. EMPLOYEE STATUS

EXEMPT. Exempt employees are not eligible to receive overtime pay. This status applies to salaried department heads, certain supervisors, professionals, and qualifying administrative employees who meet the standards for exempt employees under applicable federal regulations.

NON-EXEMPT. Non-exempt employees are eligible for overtime compensation.

FULL-TIME. An employee who has a normal work schedule of forty (40) hours per week shall be classified as a full-time employee.

PART-TIME. An employee who has a normal work schedule of less than forty (40) hours per week shall be classified as a part-time employee.

REGULAR. An employee who is not considered to be a temporary employee as defined in this policy shall be considered to be a regular employee. Regular employees may either be full-time or part-time.

TEMPORARY. An employee in a position that is established for a specific period of time (usually less than one year) or until a specific project is completed, shall be considered a temporary employee. Temporary employees may either be full-time or part-time.

B. OPERATIONAL HOURS

The normal business hours of the City are 8:00 a.m. through 5:00 p.m. Monday through Friday, except for official holidays. Employees receive a one-hour break for lunch. Breaks are scheduled by the employee's supervisor. All full-time office employees are expected to work an eight (8) hour day. In order to meet the needs of the City and the public, employees of certain departments (such as the Police Department or Fire Department) may be required to work a schedule that varies from the normal hours, length, or days of work set forth above, or may be subject to call in case of emergency or special needs. The need for abnormal schedules shall be determined by each department head and the City Manager.

A work day for the City shall be defined as the period beginning at midnight and ending exactly 24 consecutive hours later. Except as otherwise provided herein, a work week is a period beginning at midnight each Sunday and ending seven consecutive twenty-four-hour periods thereafter. Volunteer work in excess of forty (40) hours per week is not to be permitted for employees who are nonexempt under the Fair Labor Standards Act. All hours worked must be reported. City

Non-Exempt employees must take their lunch break away from their work station, and shall not engage in work during their break except in an emergency. Meal periods must be taken unless a supervisor requires the employee to work through lunch due to operational needs. If an employee

works through lunch, the employee and the supervisor must make sure the employee's timesheet properly reflects that the employee worked through lunch. To avoid overtime, if operationally feasible, the employee should be allowed to leave an hour early on a day within the same work period to offset the missed lunch break.

The employee and the supervisor must assure that this is reflected on the employee's timesheet.

The work period for firefighters is an established 28-day work cycle.

The work period for law enforcement officers is an established 28-day work cycle.

Department heads or supervisors shall establish work schedules and maintain daily employee attendance records. Attendance records shall also be maintained by the Human Resources Coordinator by computerized and/or manual records.

C. OVERTIME

Only non-exempt employees are eligible for overtime compensation.

For purposes of calculating overtime, only hours actually worked will be considered. Hours paid but not actually worked (sick leave, paid holidays, vacation leave, citizenship leave, compensatory time, and the like) will not be counted as hours actually worked for purposes of determining entitlement to overtime compensation. It is the policy of the City of Marlin to keep work in excess of the established schedules at a minimum and to permit such work only when it is necessary to meet City operational requirements.

Except in an emergency, no employee shall work overtime unless authorization is granted in advance by the employee's department head or shift supervisor.

Employees shall be compensated at the rate of time and one-half pay for overtime hours worked. If excess hours are accrued during the work period by an employee, supervisors are encouraged to adjust the employee's remaining work schedule for the work period to avoid incurrence of overtime. Supervisors are expected to use their best efforts to control overtime while still meeting the City's operational needs.

For employees other than firefighters and law enforcement officers, a workweek shall be defined as a period beginning at midnight each Sunday and ending seven consecutive twenty-four-hour periods thereafter. Non-exempt employees other than firefighters and law enforcement officers receive overtime pay for hours actually worked in excess of 40 hours in a workweek.

Firefighters: Firefighters who work more than 212 hours during an established 28-day work period will be paid one and one-half (1 ½) times their regular hourly rate for all such overtime hours.

Law Enforcement Officers: Law enforcement officers who work more than 171 hours during an established 28-day work period will be paid one and one-half (1 ½) times their regular hourly rate for all such overtime hours.

Employees covered by the overtime pay requirements of the FLSA may not start work earlier than regularly scheduled hours or work later than their regularly scheduled hours unless they have obtained prior permission from their supervisor. The City reserves the right to require employees to work “emergency” overtime on a given day or week. Violation of these requirements subjects the employee to discipline, up to and including discharge.

“Emergency” overtime is non-scheduled work time of an emergency nature that falls outside an employee’s routine work schedule. An emergency is defined as an unanticipated combination of circumstances that call for immediate action.

Compensatory Time: Except for Police Department and Fire Department personnel, full-time employees, who work overtime may, at their option, elect to receive compensatory time off in lieu of overtime wage payments in cash. The election must be made and communicated to the payroll officer before payroll for the workweek during which the overtime was worked is run.

Compensatory time off will be credited at a rate of one and one-half hours for each overtime hour worked. City employees may accrue up to 80 hours of compensatory time within a calendar year. After the accrual limit is reached, overtime must be paid in cash. Employees whose compensatory time accrued currently exceeds these limits will be required to reduce such accrued time by taking time off. That is, the City will require an employee to take accrued compensatory time. Cash will not be paid in lieu of compensatory time except where the City Council determines that such is necessary to reduce accrued balances or to support the City’s operations; where the employee has reached the accrual limit; or at separation from employment. Supervisors should use their best efforts to accommodate an employee’s use of compensatory time as requested however; an employee may be denied approval to use compensatory time on specific dates if the needs of the City require their work attendance. Exempt employees not eligible for overtime pay may accrue up to 80 hours of compensatory time annually.

D. PAY DAY

Employees will receive their paychecks according to the time schedule set by the City. If a payday falls on a non-work day, employees will be paid on the preceding workday.

Certain critical information is required to be shown on all time sheets to prevent a delay in the payroll process. Critical elements are:

- 1 - First and Last Name
- 2 - Employee Identification Number
- 3 - Department to which assigned
- 4 - Dates Worked
- 5 - Hours Worked

The time must be accurate as to the hours reported to include any hours of sick leave, vacation leave, holiday time, etc. Hours recorded but not actually worked (use of leave) must be clearly designated on the time sheet.

Employees entering another person's time shall be subject to disciplinary action up to and including termination. Payroll checks will not be released to any person without written consent by the employee. Forms giving consent are maintained in the Human Resources office. It shall be the duty of each employee to keep payroll release consent forms updated.

E. PAYROLL DEDUCTIONS

Deductions from payroll checks shall include Federal withholding taxes, FICA (Social Security) contributions and Medicare tax at a rate prescribed by Federal Law, and Texas Municipal Retirement Contributions. All other payroll deductions must be authorized by the City Human Resources Coordinator and requests for same must be in writing. Termination of any optional payroll deduction must also be in writing. The City will not recognize any wage assignment by an employee. It is against City policy for any employee to assign their wages to another person or entity.

F. CORRECTNESS OF PAYCHECK

The employee's paycheck is payment from the City to the employees for services rendered less any applicable deductions. When the employee receives his/her payroll check, the employee should make sure that the hours, pay rate and deductions are correct. If anything on the paycheck is incorrect, the matter should immediately be brought to the attention of the employee's immediate supervisor. If the problem is presented to the employee's supervisor, the supervisor should immediately report the problem or discrepancy to the payroll officer or Human Resources Coordinator for resolution. Failure of the employee to bring such incorrect information or mistakes on his or her paycheck to the attention of the City in the manner set forth above will be treated as an indication by the employee that all information on his/her paycheck is correct.

G. CHANGE OF ADDRESS

The Human Resources Department shall be advised when an employee changes address, telephone number, etc. Forms for reporting changes are available in the Human Resources Department.

H. TIMEKEEPING.

IMPORTANT NOTICE. SEE APPENDIX "D" WHICH PROVIDES IMPORTANT RULES FOR TIMEKEEPING.

SECTION 20

Performance Management Process/Review

A. Establish Goals

Prior to the new performance year, the staff member and supervisor should agree upon performance improvement goals. Each performance improvement goal should be clearly defined and an appropriate level of expected performance established. It is the responsibility of the supervisor to ensure that each staff member has a measurable performance improvement goal established for the year so as to ensure unity of direction and consistency in administration of the Performance Management process during the year throughout their area of responsibility.

B. Review of Performance/Revision of Performance Goals(s)

While a discussion of Performance may be conducted at any time the Supervisor may feel that it is warranted, the staff member and supervisor should meet at least annually on the anniversary of the employee's hire date to discuss Performance Results and establish new Improvement goals. However as departmental needs change it may be necessary to revise goals during the course of the year. New goals may be added and original goals may be eliminated due the departmental demands that occur during the year. Revisions of assignments, job duties, and/or goals should be reviewed and discussed with the employee as appropriate as they become necessary.

C. Performance Discussions

Performance Reviews/Appraisal discussions should be conducted in advance of the employee's anniversary date so that any salary increase granted will become effective on the payroll date closest to the anniversary of the employee's date of hire. The immediate supervisor is responsible for conducting a formal evaluation of the staff member's performance, however in order to insure agreement, the supervisor should discuss with his/her manager the proposed written evaluation and any associated salary review of the employee **prior** to the supervisor actually conducting the review meeting with the employee.

D. Frequency of Performance Review

New Hire will be reviewed at the end of their Probationary Period and all staff members will be reviewed annually upon their anniversary date unless they are on an accelerated review cycle.

E. Pay for Performance

Promotions, salary increases, and continued employment with the City are based upon performance and length of service. **It is the responsibility of each employee to establish his/her own optimal performance level. This responsibility is emphasized throughout the Performance Management and Salary Administration Process.**

F. Pay Range Schedule

Pay ranges are based on annual surveys done by professional organizations in the State of Texas of cities

with a population between 5,000 and 10,000. This is done each year and is to be reviewed every three years adjusting the pay scale to match the new existing pay ranges for each job title.

G. Merit Incentive Budget

No salary increases are guaranteed. The annual merit incentive for the city is based upon the fiscal condition of the city, general municipal employment market data, and how well the employee performs. The Performance Appraisal rating and the associated step in the Salary Schedule determine the percentage of total merit payment awarded to the employee. The actual merit increase awarded is reduced 1% for each performance rating below Satisfactory. Those employees rated as Outstanding may receive an additional 1% however no more than ten percent of all employees may receive this rating. All ratings of Outstanding must have prior approval of the City Manager before any discussions are held with the affected employee.

H. Performance Levels

Outstanding -- Far Exceeds the requirements of the Job

The employee exceeds all individual objectives as established in the performance plan, performs all job responsibilities far above the requirements of the job and displays a high degree of the key skills required in the job. This level of performance has a significant impact on the department in providing exceptional service.

Very Good – Usually Exceeds Job Requirements

The employee meets all and exceeds most individual objectives as established in the Performance Plan, and usually performs all job responsibilities in excess of the key requirements of the job and displays an elevated degree of most of the key skills required above that which was planned.

Satisfactory – Meets All Job Requirements

The employee meets all major individual objectives as established in the Performance Plan, performs all job responsibilities, full meets the requirements of the job and displays a satisfactory degree of most key skills required in the job.

Fair – Meets Minimum Job Requirements

The employee meets some individual objectives as established in the performance plan, meets some of the job requirements in the performance of job responsibilities and displays an adequate degree of some key skills required in the job. However, the individual's results fall short of consistently meeting expectations. Performance is below what is expected.

Unsatisfactory – Falls Well Below the Requirements of the Job

The employee meets some individual objectives established in the performance plan, but does not meet the minimum job requirements in the performance of job responsibilities and/or displays a low degree of key skills required in the job. This is an unacceptable level of performance and may result in termination if immediate improvement is not evident. A Performance Improvement Plan is required for any employee receiving an Unsatisfactory rating. No salary increase will be given for any period of unsatisfactory performance.

I. New Hire Starting Salaries

Employees should be hired at a salary between the entry rate and the market rate for the position based upon their qualifications and level of experience, however only experience relevant to the specific duties of the open position are considered in setting the initial salary. Unless relevant experience is extensive most candidates will be hired at the grade minimum salary.

New hires will receive a Performance Review at the end of the Probationary Period and upon their anniversary date. They may or may not, depending upon performance, receive a salary increase at each review.

J. Promotions

A promotion is a change in the duty assignment of the employee to a position in a higher classification or pay grade. The assignment may be to an existing position or to a newly created position. Promotional Increases may range from 5-15% of the current salary of the employee, however the revised salary should fall within the salary range of the new position. No salary increase may be granted which increases an incumbent's salary above the salary maximum of the new grade level.

K. Transfers

Transfers result from moves between positions at the same grade level. Generally, no salary action is granted for such moves.

L. Reclassification to a Lower Graded Position

A reclassification to a lower grade may result when an employee either requests or is assigned to a position in a lower job classification or grade level. Reassignment may occur for a variety of reasons, including the desire to gain experience in another area, reorganization of the department, performance issues, reevaluation of the position, and/or elimination of the incumbent's current position. In these situations, salaries exceeding the maximum of the lower grade level. When the reclassification of the position is initiated by the supervisor and performance is not an issue, the employee will be administered at the previous grade level for a period of six months.

M. Resignation/Termination

When an employee leaves the organization he/she is no longer a participant in any City Compensation Plan/Program. Payout from these plans is made only to employees who are employed at the time the payment is made.

N. Other Issues

Leave of Absence

An employee's merit pay will not be affected if he/she is on an approved short-term Leave of absence of 12 weeks or less. In such circumstances, the payout will be based on a full year of performance.

Base Salary Below the Minimum of the Salary Range

When base salary is below the minimum of the salary range for the grade, the employee will receive a performance review and an increase appropriate to the level of performance no later than every year until the base salary minimum is attained.

Salary at or Above the Maximum of the Salary Range

When salary is at or above the maximum of the salary range for the grade, the employee will receive a performance review but no increase to their pay will be given until the maximum of the salary range has increased.

Exceptions

In the event that the circumstances of a position reclassification or salary action are not adequately addressed, an exception may be requested. All Exceptions require the following:

- A written explanation of the circumstances of the situation and a rationale for granting the exception.
- Approval by the Director of the Area requesting the Exception.
- Final approval by the City Manager

O. MARLIN CITY PAY RANGE SCHEDULE

JOB TITLE	HOURLY			YEARLY		
	Minimum	Mid-Range	Maximum	Minimum	Mid-Range	Maximum
Dispatch Supervisor	\$14.69	\$16.90	\$19.11	\$30,555.20	\$35,152.00	\$39,748.80
Dispatcher	\$12.66	\$14.34	\$16.02	\$26,332.80	\$29,827.20	\$33,321.60
Administrative Assistant	\$15.53	\$17.95	\$20.37	\$32,302.40	\$37,336.00	\$42,369.60
Automotive Technician	\$13.62	\$15.06	\$16.49	\$28,329.60	\$31,314.40	\$34,299.20
Animal Control Officer	\$13.06	\$15.08	\$17.09	\$27,164.80	\$31,356.00	\$35,547.20
Building Inspector	\$15.73	\$18.96	\$22.19	\$32,718.40	\$39,436.80	\$46,155.20
Cashier	\$11.65	\$13.38	\$15.10	\$24,232.00	\$27,820.00	\$31,408.00
City Manager	\$43.48	\$47.84	\$52.20	\$90,438.40	\$99,507.20	\$108,576.00
City Secretary	\$20.48	\$24.08	\$27.67	\$42,598.40	\$50,076.00	\$57,553.60
Clerk Entry Level	\$11.87	\$15.36	\$18.84	\$24,689.60	\$31,938.40	\$39,187.20

	Minimum	Mid-Range	Maximum	Minimum	Mid-Range	Maximum
Code Enforcement Officer	\$16.51	\$18.26	\$20.01	\$34,340.80	\$37,980.80	\$41,620.80
Court Clerk Senior	\$12.63	\$15.09	\$17.55	\$26,270.40	\$31,387.20	\$36,504.00
Court Clerk	\$12.00	\$13.97	\$15.93	\$24,960.00	\$29,047.20	\$33,134.40
Fire Chief	\$25.84	\$30.48	\$35.12	\$53,747.20	\$63,398.40	\$73,049.60
Fire Private	\$13.40	\$14.40	\$15.40	\$27,872.00	\$29,952.00	\$32,032.00
Laborer	\$11.93	\$13.65	\$15.37	\$24,814.40	\$28,392.00	\$31,969.60
Maint. Worker Streets	\$12.84	\$14.33	\$15.82	\$26,707.20	\$29,806.40	\$32,905.60
Manit. Worker Water & Sewer	\$12.95	\$14.89	\$16.82	\$26,936.00	\$30,960.80	\$34,985.60
Police Captain	\$25.58	\$30.98	\$36.37	\$53,206.40	\$64,428.00	\$75,649.60
Police Chief	\$31.08	\$34.75	\$38.42	\$64,646.40	\$72,280.00	\$79,913.60
Police Sergeant	\$21.10	\$23.57	\$26.03	\$43,888.00	\$49,015.20	\$54,142.40
Police Private	\$16.82	\$19.15	\$21.48	\$34,985.60	\$39,832.00	\$44,678.40
Public Works Director	\$29.07	\$32.03	\$34.98	\$60,465.60	\$66,612.00	\$72,758.40
Executive Secretary	\$13.90	\$17.20	\$20.49	\$28,912.00	\$35,765.60	\$42,619.20
Secretary Journeyman Level	\$11.94	\$14.17	\$16.39	\$24,835.20	\$29,463.20	\$34,091.20
Sewage Plant Superintendent	\$16.03	\$17.38	\$18.72	\$33,342.40	\$36,140.00	\$38,937.60
Street Superintendent	\$20.14	\$22.67	\$25.19	\$41,891.20	\$47,143.20	\$52,395.20
Utilities Tech	\$12.22	\$14.47	\$16.71	\$25,417.60	\$30,087.20	\$34,756.80
Utility Billing Clerk	\$12.89	\$14.17	\$15.44	\$26,811.20	\$29,463.20	\$32,115.20
Utility Billing Manager	\$14.48	\$15.59	\$16.70	\$30,118.40	\$32,427.20	\$34,736.00
Water/Waste. Director	\$22.32	\$24.67	\$27.02	\$46,425.60	\$51,313.60	\$56,201.60

Water/Waste. Operator II	\$15.08	\$16.96	\$18.84	\$31,366.40	\$35,276.80	\$39,187.20
Water/Waste. Supervisor	\$16.83	\$19.59	\$22.35	\$35,006.40	\$40,747.20	\$46,488.00
Water Plant Superintendent	\$20.42	\$22.51	\$24.59	\$42,473.60	\$46,810.40	\$51,147.20

SECTION 21 TRAVEL EXPENSES

A. TRANSPORTATION

The most efficient and economical mode of travel must be used. Travel arrangements are to be made by the Human Resources Coordinator or his/her designee. All Air travel must be booked at the most discounted fare basis whenever possible.

B. TRAVEL APPROVAL AND CASH ADVANCES

All travel and cash advances must be approved in advance by the employee's department head (or designee), unless otherwise stated in this policy. In addition, any travel out of state must be approved by the City Manager as set out below. Travel Reimbursement Rates for the State of Texas will be used as a guide for travel by the City of Marlin employees.

C. LODGING

Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/reimbursed by the employee.

D. MEAL ALLOWANCE

The City will pay for the cost of meals during overnight travel on a per diem basis. The City's per diem rate will be based on the current fiscal year rate as established by the U.S. General Services Administration (GSA) and can be found at www.gsa.gov. The per diem rate will be adjusted for partial days.

Meal-related tips are included in the per diem meal rate. Under no circumstances will the cost of alcoholic beverages be reimbursed nor should it be charged on a City credit card. Employees are expected to pay for any alcoholic beverages separate from any eligible meal.

E. LONG DISTANCE PHONE CALLS

Reasonable and necessary long-distance business phone calls and computer related expenses for City business reasons only will be reimbursed. City owned cell phones may be available for use when an employee travels on City business.

F. NON-ALLOWABLE EXPENSES

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- a. In-hotel pay television and movies;

- b. Dry cleaning and laundry;
- c. Health club and spas;
- d. Expenses of a spouse;
- e. Alcoholic beverages;
- f. Personal long distance telephone calls; and
- g. Other items of a personal nature.

G. REQUEST FOR REIMBURSEMENT AND RETURN OF UNEXPENDED FUNDS

Upon return to the City, a complete accounting of all expenditures of City funds is to be filed within 5 days. Receipts for all expenses, including hotel bills and registration fees, must be attached to the statement. All unexpended advance funds must be returned with the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

H. TRAVEL TO TRAINING

The current mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be only for the difference in miles from the normal work location to the further training location. Mileage may be reimbursed as identified in RandMcNally.com. Police officers on training assignment will follow police policy. If a City vehicle is offered for use and the employee prefers to use their own personal vehicle, the City reserves the right to pay the actual cost of gas/diesel purchased in lieu of mileage reimbursement.

I. EXPENSES NOT COVERED IN POLICY

Abuse of this policy, including falsifying expense reports or submitting false claims, will result in corrective action, up to and including termination of employment.

SECTION 22

SAFETY

Good safety practices and habits are the best protection against one-the-job hazards. It is your responsibility to exercise precautionary measures and good judgment to avoid injury to yourself and others while on duty. You can help insure safety on the job by following the basic safety procedures established in your department. Please report any accidents or unsafe conditions or practices to your supervisor immediately so that corrective action may be taken. Any suggestions you make to lessen the possibility of on-the-job accidents and injuries will be appreciated and given serious consideration.

SECTION 23

PERSONNEL RECORDS

Department heads are to keep accurate and complete personnel records. Documentation of any counseling, warning, reprimand or other disciplinary or corrective actions must be maintained in the file. No department head shall have a policy or practice of removing a write-up after a period of good conduct or otherwise. Once placed in the file, the item must remain in the file unless ordered removed as the result of a grievance determination by the City Manager under the grievance procedure.

Effective with the date of this policy duplicate copies of the personnel files for every current employee shall be made and provided to the Human Resources Coordinator. Thereafter, department heads shall assure that for each document placed in an employee's file a copy thereof is provided to Human Resources to update the employee's HR file. Insurance, medical, tax and other information made confidential by law shall *only* be maintained by Human Resources and shall be kept secure and access granted only to authorized personnel for legitimate City business purposes. If, as of the date of this policy, confidential information is being maintained in the department level personnel file, the Human Resources Coordinator must be notified and arrangements will be made to remove the information from the department level file and place it in the HR file.

By the same token, documentation of commendations and positive accomplishments should also be maintained in the personnel file.

Performance evaluations/appraisals must be maintained in the personnel file.

A copy of the personnel file for an employee must be provided to the Human Resources Coordinator or the City Manager on request.

Periodic audits of personnel files will be conducted by the Human Resources Coordinator to assure compliance with this policy.

SECTION 24

PURCHASING POLICY

1. Purchase Order Required. Unless expressly exempted in this policy, all purchases require a purchase order issued and approved in accordance with this policy. Use of the City's purchase order form is required. Purchase order forms are available at the City Secretary's Office. The format is attached hereto as Appendix "A".

2. Steps in the Purchasing Process.

a) The department head or his/her designee first reviews whether the department has budgeted funds available for the purchase.

b) If funds are available, the department head or his/her designee obtains a purchase order (P.O.) form from the City Secretary.

c) The department completes the purchase order form (all required information must be provided).

d) The purchase order is signed by the department head and turned in to the City Secretary.

e) The City Secretary confirms that the purchase complies with the City budget and that funds are available in the department's budget for the purchase. The City Secretary may request additional information from the department regarding the nature, need and/or propriety of the purchase. The department shall provide any additional information requested.

f) The City Secretary shall reject a purchase order that does not comply with the City's budget or for which sufficient funds are not available. The City Secretary shall reject a purchase order that is incomplete or is not signed personally by the department head (or in the case of the department head's absence his/her designee appointed and authorized by the department head in a writing filed with the City Secretary). If the purchase order represents a purchase that is, in the opinion of the City Secretary, of questionable need or propriety the City Secretary reports the matter to the City Manager for a decision. If the City Manager determines that the purchase order should be approved, the City Manager will be the signer on the purchase order.

g) Approval of the purchase order is noted by the signature of the City Secretary thereon (or the City Manager's signature if applicable under this policy). The City Secretary notes the purchase order (P.O.) number as being assigned on her/his records. Purchase order numbers are issued sequentially for control purposes.

h) The City Secretary retains the original of the purchase order and a copy is provided to the department so that the purchase may be executed. [If the vendor requires an original, the City Secretary shall keep a copy].

NOTES:

In the event that the City Secretary is unavailable due to absence, the above functions may be performed by the City Manager;

An approved purchase order only authorizes the purchase of the items stated therein at the amounts stated.

Any change to the purchase requires a new purchase order;

A purchase order that does not bear the signature of the City Secretary or City Manager **shall not be effective and shall not bind the City**. A person making an unauthorized purchase shall bear financial responsibility for the purchase. **In addition, an unauthorized purchase will result in disciplinary action by the City against the responsible employee up to and including loss of purchasing authority and discharge.**

A City purchase order is a government document, and falsification of any information thereon **is a criminal offense**.

3. Exemptions. The following are exempted from the purchase order requirements above:

a) Emergency expenditures, which are purchases necessary to protect City property, to prevent imminent disruption of City services, or that are required for the protection of public/employee health or safety from an imminent threat. The department must promptly notify the City Manager and/or the City Secretary of the purchase---prior to the purchase if possible. This exception is only for true emergency situations. The mere fact that a department serves a public safety or public health function does not exempt its purchases from the purchase order process. Abuse of this exemption will not be tolerated; and

b) Expenditures of \$50.00 or less for items necessary for department operations and not in conflict with the budget. **WARNING---abuse of this exemption will not be tolerated. Separate or serial purchases of \$50.00 or less of items that would normally be purchased as part of a single purchase or a series of purchases exceeding \$50.00 is NOT allowed. Attempts to avoid the purchase order process by breaking up purchases will result in action being taken, up to and including loss of purchasing authority and discharge.** Purchases of \$50.00 or less still must be recorded by the department on the weekly purchases report addressed below.

4. Weekly Purchases Report. Every department shall prepare a report each week that identifies *all* purchases made by the department in that week and the amount of each purchase. The report must be turned in to the City Secretary by 5:00 p.m. each Friday. If Friday is a holiday, the report shall be turned in by 5:00 p.m. on Thursday.

5. Capital Expenditures. In addition to the purchase order requirement, capital expenditures are subject to the limitation set forth below unless expressly exempted herein.

A capital expenditure exceeding \$2,000 must be approved by the City Council in advance except for:

- a) an acquisition specifically listed in the budget that does not exceed the budgeted amount for the acquisition; City
- b) an acquisition previously approved by the City Council that does not exceed the approved amount;

- c) an acquisition made necessary by an unforeseen circumstance which requires prompt action, such as a utility line break, pump failure, or an item necessary to protect City property, to prevent imminent disruption of City services, or that is required for the protection of public/employee health or safety from an imminent threat. The mere fact that a department serves a public safety or public health function does not qualify expenditure for exemption. The expenditure must be for an emergency situation to be exempt].

If the item is purchased under the emergency exemption, it must be reported as soon as possible to the City Manager, the City Secretary, and the Mayor.

SECTION 25 DRIVER INSURABILITY

Although addressed in other sections above, the importance of determining whether an individual is insurable under the City’s auto liability coverage cannot be stressed enough. The procedures for checking a potential employee’s driving record and the standards applicable to whether the individual is insurable are contained in the TML publication attached as **Appendix “E”**. A driving record check **SHALL** be performed on applicants for positions that involve driving. **NO** person who is uninsurable under the above-referenced standards shall be hired.

SECTION 26 VEHICLE OPERATOR STANDARDS

1. POLICY

All employees authorized to operate *CITY OF MARLIN* vehicles and motorized equipment, or who operate personal vehicles on *CITY OF MARLIN* related business, shall be subject to the standards established in this policy.

2. PURPOSE

This policy establishes minimum standards for the qualification of employees and applicants to operate *CITY OF MARLIN* vehicles and motorized equipment.

3. SCOPE

This policy shall apply to:

- 3.1. Employees driving *CITY OF MARLIN* owned, leased, or rented vehicle or motorized equipment.
- 3.2. Employees receiving a monthly car allowance, or who use personal vehicles for *CITY OF MARLIN* related business.
- 3.3. Applicants for positions which require the operation of *CITY OF MARLIN* vehicles or equipment.

4. DEFINITIONS

- 4.1. *CITY OF MARLIN* Vehicles – any passenger car, truck, or other similar vehicle that is owned, leased, rented, or otherwise under the care, custody, or control of the *CITY OF MARLIN*. A *CITY OF MARLIN* vehicle shall also include vehicles driven by employees receiving a car allowance and personal vehicles.
- 4.2. Motorized Equipment – this category includes, but is not limited to backhoes, dozers, mower-tractors, loaders, graders, and other similar operational equipment.

4.3. Preventable Accident – any accident involving a **CITY OF MARLIN** vehicle or piece of motorized equipment which results in property damage and/or personal injury in which the driver in question failed to exercise every reasonable precaution to prevent the accident. The preventability of an accident shall be determined from the investigative results of the appropriate law enforcement agency.

4.4. Personal Vehicles – privately owned vehicles used in the conduct of **CITY OF MARLIN** business, and for the use of which the driver is eligible to claim mileage reimbursement.

4.5. Driving Records – the complete driving history of an employee as can be discerned from any official records.

5. RESPONSIBILITIES

Employees who drive **CITY OF MARLIN** vehicles or operate motorized equipment in the course of their employment shall be required to meet the following minimum conditions of eligibility for driving/operating privileges:

5.1. Have reached the age of eighteen (18) years to operate **CITY OF MARLIN** vehicles or motorized equipment.

5.2. Be physically qualified to hold a driver's license and to safely operate a **CITY OF MARLIN** vehicle or motorized equipment.

5.3. Have current valid Texas driver's license in the appropriate class as established on the official description for the position.

5.4. Wear seat belts and other relevant safety equipment when operating **CITY OF MARLIN** vehicles or motorized equipment when appropriate.

5.5. Observe all **CITY OF MARLIN** vehicle and traffic related policies.

5.6. Observe all laws and ordinances relating to the operation of **CITY OF MARLIN** vehicles or motorized equipment.

5.7. Be responsible for the proper care and use of vehicles or motorized equipment. This includes maintaining **CITY OF MARLIN** vehicle/motorized equipment interiors and exteriors, regularly servicing these items and reporting maintenance needs to the supervisor, and operating all **CITY OF MARLIN** vehicles/motorized equipment in a manner that conserves fuel and reduces depreciation.

5.8. Employees receiving car allowance shall fulfill all current legal regulations such as insurance, inspection, and registration.

6. OPERATOR STANDARDS – APPLICANTS

Applicants for positions requiring the operation of **CITY OF MARLIN** vehicles or motorized equipment shall not be eligible for driving/operating privileges if the total points assigned to their driving record are 10 or more.

VIOLATIONS POINTS

- 6.1. License suspension, revocation 10
- 6.2. Driving while intoxicated or under the influence or narcotics 10
- 6.3. Any serious violations – e.g. reckless driving, endangering lives of others, racing 10
- 6.4. Any speeding violation 3
- 6.5. Any standard moving violation, i.e., careless driving, stop sign, lane crossover, failure to signal, failure to keep right, following too close, etc. 2
- 6.6. Any chargeable bodily injury accident 3
- 6.7. Any chargeable property damage accident 3

7. OPERATOR STANDARDS – EMPLOYEES

Employees currently in a position requiring them to operate **CITY OF MARLIN** vehicles or motorized equipment *shall not* be eligible to operate vehicles if the total points assigned to their driving record are 10 or more.

VIOLATIONS POINTS

- 7.1. License suspension, revocation 10
- 7.2. Driving while intoxicated or under the influence or narcotics 10
- 7.3. Any serious violations – e.g. reckless driving, endangering lives of others, racing 10
- 7.4. Any speeding violation 3
- 7.5. Any standard moving violation, i.e., careless driving, stop sign, lane crossover, failure to signal, failure to keep right,

following too close, etc. 2

7.6. Any chargeable bodily injury accident 3

7.7. Any chargeable property damage accident 3

8. PROCEDURES

The following procedures shall be observed under this policy:

8.1. Employees operating **CITY OF MARLIN** vehicles or motorized equipment must report to their supervisors any accident involving said vehicles as soon as possible and no later than twenty-four (24) hours of the occurrence.

8.2. Employees who are in jobs that require the driving/operating of **CITY OF MARLIN** vehicles or motorized equipment shall report any driver's license suspensions to their immediate supervisor within twenty-four hours of the suspension.

8.3. Failure to report license suspensions; or failure to maintain the required driver's license; or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action.

8.4. Each **OCTOBER**, the personnel department will make a list of all personnel who have driving or motorized equipment operation responsibilities. This list shall include the employee's name, date of birth, and current driver's license number. All such employees will then have their driving record status reviewed through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The **CITY MANAGER** and appropriate department head will be notified of any employee whose driving record fails the criteria set forth in this policy.

8.5. Employees who have been ruled ineligible (except for offenses listed under 7.2 of this policy) for driving privileges may have their privileges reinstated provided the employee successfully completes a Defensive Driver Training Program approved by the **IMMEDIATE SUPERVISOR** and submits evidence of satisfactory completion to the **IMMEDIATE SUPERVISOR**.

An employee who has been ruled ineligible for driving privileges may use the defensive driving course option only once every three (3) years in order to have his/her eligibility status reinstated.

8.6. Employees who have been ruled ineligible to drive **CITY OF MARLIN** vehicles or equipment due to their driving record may, at the **CITY OF MARLIN** sole discretion be:

(a) Assigned non-driving responsibilities within their current department, if available; or

(b) Transferred to another department and assigned non-driving responsibilities, if available;
or

(c) Dismissed, if neither or the above alternatives can be achieved within twenty (20) working days. All non-driving responsibilities must have prior approval of the **CITY MANAGER**.

8.7. Employees who receive a car allowance and become ineligible for driving privileges shall have their car allowance revoked and shall not be permitted to drive on **CITY OF MARLIN** related business. Mileage reimbursement recipients who become ineligible for driving privileges shall be forbidden to drive their personal vehicles on **CITY OF MARLIN** related business.

APPENDIX "A"

NEW HIRE CHECK LIST

DATE ATTAINED

APPLICATION

AUTHORITY OF RELEASE WITH APPLICATION

DISCLOSURE

NOTICE OF FINAL PAY CHECK

EMERGENCY CONTACTS

W-4

I-9

COPY OF DRIVERS LICENSE

COPY OF SOCIAL SECURITY CARD

TMRS

DENTAL

LIFE AND VISION

HEALTH INSURANCE ENROLLMENT

EMPLOYEE GUIDELINES

CRIMINAL BACKGROUND CHECK

DRUG SCREEN [post conditional offer but before employment]

REFERENCE CHECK

PREVIOUS EMPLOYEE

DRIVER LICENSE CHECK City of Marlin Personnel Policy

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NEW HIRE PROCESS:

1. **COMPLETE APPLICATION** FROM APPLICANT. IF THEY ARE A PREVIOUS EMPLOYEE, THEIR MAIN FILE MUST BE PULLED AND VIEWED BEFORE BEING CONSIDERED.
2. **COPY OF CURRENT DRIVERS LICENSE AND SOCIAL SECURITY CARD.**
3. **COMPLETE CRIMINAL BACKGROUND CHECK.** POLICE DEPT TO PROVIDE WRITTEN ACKNOWLEDGMENT OF RESULTS.
4. **CHECK THE REFERENCES** PROVIDED.
 - A. WERE THEY A RELIABLE EMPLOYEE?
 - B. WERE THEY A COURTEOUS EMPLOYEE?
 - C. DID THEY FOLLOW AUTHORITY?
 - D. WOULD THEY BE CONSIDERED FOR RE-HIRE?
5. **DRUG SCREEN [TO BE CONDUCTED POST CONDITIONAL OFFER BUT BEFORE START OF EMPLOYMENT]:** THE PROCESS IS AS FOLLOWS: SEND THE COPY OF D.L. AND SSN BY THE APPLICANT TO THE HUMAN RESOURCE DEPARTMENT. THE HR DEPARTMENT WILL COMPLETE THE PROPER FORM FOR THE CLINIC. REQUIRES

PRIVATE PRESCRIPTION INFORMATION, BE SURE TO LET THE APPLICANT KNOW THAT THIS INFORMATION IS NEEDED. IF IT IS NOT PROVIDED, IT COULD RESULT IN A POSITIVE DRUG SCREEN AND COULD AFFECT THE HIRING PROCESS. THE FORM IS FAXED TO THE CLINIC. THEY CANNOT GO DIRECT TO THE LAB ANYMORE. THE RESULTS WILL BE FAXED ONLY TO THE PERSONNEL DEPT.

PHONE CONVERSATIONS ABOUT RESULTS ARE PROHIBITED.

6. ONCE THE "NEGATIVE" RESULTS HAVE BEEN RECEIVED, YOU MAY COMPLETE THE HIRING PROCESS.

A. COMPLETE ALL **CITY FORMS** IN THE NEW HIRE PACKET.

B. COMPLETE ALL **INSURANCE FORMS**. IF YOUR NEW EMPLOYEE DOES NOT WANT ONE OR MORE OF THE INSURANCE OFFERS, THEY NEED TO WRITE DECLINE ON THE FORM.

C. BE SURE YOU HAVE **WRITTEN CONFIRMATION** FROM THE POLICE DEPT. REGARDING THE BACKGROUND CHECK. THEY WILL BE PLACED IN THE DEPT. HEAD MAIL BOX.

D. IF YOUR EMPLOYEE HAS ANY QUESTIONS, PLEASE DIRECT THEM TO THE PERSONNEL DEPT.

ALL INFORMATION MUST BE RECEIVED BY HR BEFORE EMPLOYEE STARTS WORK. ANY DEVIATION FROM THE PROCESS WILL RESULT IN DELAYS FOR YOUR NEW EMPLOYEE.

APPENDIX “B” FAMILY MEDICAL LEAVE ACT

I. Introduction

The Family and Medical Leave Act (“FMLA”) is a federal law that provides unpaid leave and certain protections for eligible employees who need to take leave for specified family and/or medical reasons. The following is a summary of the rights and responsibilities of an employee under the FMLA:

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

For incapacity due to pregnancy, prenatal medical care or child birth;

To care for the employee’s child after birth, or placement for adoption or foster care;

To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or

For a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Based on the enactment of H.R. 2647, this leave now also applies to eligible employees with a spouse, son, daughter, or parent who is an active duty service member in the regular Armed forces, not just to National Guard and Reservists. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Based on the enactment of H.R. 2647, caregiver leave is now expanded to eligible employees caring for a family member who is a veteran who is undergoing treatment, recuperation or therapy for service-related serious injury or illness that occurred any time during the five years preceding the treatment. City of Marlin Personnel Policy

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Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regiment of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is

foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient City information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

Interfere with, restrain, or deny the exercise of any right provided under FMLA;

Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

Any employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against any employer.

II. Non-Military FMLA Leave

A. Eligibility

Only eligible employees are entitled to FMLA leave. *See* "Eligibility Requirements" under Part I above.

B. Non-Military FMLA Leave Rules

1. Non-Military leave entitlement under the FMLA is generally set forth Part I above under the heading "Basic Leave Entitlement". The method used by the City for calculating available FMLA leave is a rolling twelve (12) month period measured backward from the date an employee uses FMLA leave. All leave taken by an employee during such a twelve (12) month period which qualifies as FMLA leave, whether paid or unpaid, shall be counted as part of the

twelve (12) work week limit, whether or not such was requested as FMLA leave by the employee, except as otherwise provided herein or by law.

2. Spouses employed by the City are jointly entitled to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.

3. In certain circumstances, employees may take intermittent leave or leave on a reduced-leave schedule. Intermittent leave or leave on a reduced schedule may be taken whenever medically necessary in accordance with applicable regulations.

4. Notice requirements for employees seeking FMLA leave are generally set out in Part I above under the heading "Employee Responsibilities".

a) Requests for FMLA leave should be submitted to the Human Resources Coordinator. The Human Resources Coordinator will issue a response to the employee's request which notifies the employee of whether or not they are eligible for FMLA leave, and otherwise generally informing the employee of his or her rights and responsibilities under the FMLA. The response should be provided within five (5) business days of the receipt of the request.

b) If the employee does not request FMLA leave, but the circumstances of the needed leave of absence, based on sufficient information known to the appropriate supervisor indicates that such qualifies as FMLA leave, the supervisor shall notify the Human Resources Coordinator immediately upon obtaining such information. The Human Resources Coordinator will give notice to the employee of whether or not they are eligible for FMLA leave, and otherwise generally informing the employee of his or her rights and responsibilities under the FMLA. The notice should be provided within five (5) business days of learning of the need for leave.

Nothing herein absolves or relieves the employee from their responsibility to notify their supervisor(s) of an absence in accordance with other policies of the City, or the responsibilities of the employee to comply with employee notice requirements under the FMLA.

(c) The FMLA regulations provide for a two-step process whereby an initial notice is provided by the employer regarding the FMLA, and the employee's rights and responsibilities there under, whether the employee is eligible and, if appropriate, directing the employee to provide the applicable medical certification. Thereafter, once any required certifications have been received and reviewed (but within 5 business days of receiving the information), a designation notice is provided by the employer which will notify the employee whether the leave has been approved or denied, or whether more information is needed to make a determination. If sufficient information is available at the time of the first notice to make the determination on whether the leave is approved, the employer may send the designation notice

concurrently with the initial notice. The City adopts the DOL- approved forms set forth below.

(d) Nothing in this Policy shall be deemed to extend any benefits or protections beyond those specifically required by the FMLA, or to extend the length of FMLA leave beyond that required by the FMLA.

5. Maintenance of Health Benefits

(a) Group health benefits will be continued for the employee and covered eligible dependents while on FMLA leave, on the same conditions that coverage would have been provided if the employee had not taken FMLA leave, with the employee continuing to pay any portion of the cost that the employee paid prior to the leave. If the leave is paid, the employee's portion of the cost will be deducted as a payroll deduction. If the leave is or becomes unpaid, the employee must then pay the City on a monthly basis their portion of the cost. Please consult with the Human Resources Coordinator with regard to the particular deadlines, however, an employee's payment must generally be received prior to the first day of each month. Employees have a thirty (30) day grace period in which to pay their share of the cost. If payment is not timely made, the employee's coverage may be cancelled, provided the City provides the employee with written notice of the possible cancellation at least fifteen (15) days before the date that the coverage will lapse. If the City pays an employee's share of the cost to prevent a lapse of coverage, the employee must reimburse the City, and the City may recover such from the employee.

(b) The City may recover from the employee its portion of the costs it expended for an employee's health coverage during any unpaid FMLA leave if the employee fails to return to work after the period of leave to which the employee is entitled has been exhausted or expired, except where the failure to return to work is due to the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the employee's control.

6. Use of Paid Leave

(a) The City requires that an employee exhaust any available accrued paid leave concurrently with FMLA leave. After any available paid leave is exhausted, the remainder of the FMLA leave taken shall be unpaid leave.

(b) Where paid leave is concurrently used with FMLA leave, the employee must follow the same rules under the applicable City policy that apply to other employees regarding the use of such leave.

7. Certification

(a) If the employee has not provided a medical certification on the form addressed below as part of a request for FMLA leave, the City may require that the employee provide a medical certification on the adopted form by notifying the employee to do

so in the Notice of Eligibility and Rights & Responsibilities. The medical certification must generally be returned to the City within 15 days of the employee's receipt of the Notice of Eligibility and Rights & Responsibilities. Failure to provide the medical certification may result in the employee's leave being denied.

b) An employee's direct supervisor may not contact the employee's health care provider. All contact with the employee's health care provider shall be through the Human Resources Coordinator. It is the employee's responsibility to provide all necessary information from the employee's health care provider. An employee who desires for the City to speak directly to the employee's health care provider must execute a HIPAA Compliant Consent/Authorization to contact the employee's health care provider.

(c) If a medical certification is not complete or is insufficient, the City may require the employee to cure the defects by giving the employee written notice of the information that is lacking. The employee must be given at least seven (7) days to cure the deficiency.

(d) Recertification may be requested by the City no more often than every 30 days. If the original certification indicates that the period of absence will be more than 30 days the City cannot request recertification until after the expiration of that expected period of absence; however, in any case the City may request recertification every six (6) months. In certain circumstances, the City may request recertification in less than 30 days due the employee's request for an extension of leave, changed circumstances, or receipt of information casting doubt on the validity or continuing validity of the reason for the employee's absence or the certification.

(e) The medical recertification must generally be returned to the City within 15 days of the employee's receipt of the City's request for the recertification. The City is entitled to the same information to which it is entitled for an original certification. Failure to provide the medical recertification may result in the employee's leave being cancelled.

8. Fitness-for-Duty/Return-to-Work

(a) All employees who take non-intermittent FMLA leave for a personal serious health condition rendering them unable to perform their job will be required to present a fitness-for-duty certification with regard to the particular health condition causing the need for Family Medical Leave prior to returning to work. The City may require that the certification specifically address the employee's ability to perform the essential functions of the job. Where reasonable job safety considerations exist, the City may require a fitness-for-duty certification before an employee can return to work from intermittent leave.

(b) The City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work consistent with the City's other leave

policies and considering the facts and circumstances related to the individual employee's leave situation.

(c) An employee should notify their supervisor at least two (2) business days prior to their expected return date. If practicable, more notice of expected return date should be given.

9. Failure to Return to Work

An employee will be considered to have abandoned the job and may be terminated from employment if the employee fails to return from leave or to contact the Human Resources Coordinator about the need to extend the leave (if less than twelve (12) weeks have been taken) on or before the first work day following the end of approved FMLA leave.

10. Benefit Accrual

Other benefits, such as sick leave and vacation leave will not accrue while the employee is on unpaid leave, but will continue to accrue during any period of paid leave.

11. Forms

The approved City FMLA forms are those developed by the United States Department of Labor, including:

Form WH-381-Notice of Eligibility and Rights & Responsibilities

Form WH-380-E-Certification of Health Care Provider for Employee's Serious Health Condition

Form WH-380-F-Certification of Health Care Provider for Family Member's Serious Health Condition

Form WH-382-Designation Notice

Care must be exercised to assure that the appropriate procedures are followed and the correct forms are used.

III. Military FMLA Leave

A. Eligibility

Only eligible employees are entitled to FMLA leave. *See* "Eligibility Requirements" under Part I above.

B. Military FMLA Rules

1. Leave Entitlement

(a) Types of Military-Related FMLA Leave

Military-related leave entitlement under the FMLA is generally addressed in Part I

above under the heading “Military Family Leave Entitlements”. There are two different types of military-related FMLA leave. The first type is generally referred to as “Qualifying Exigencies” leave, and provides for leave for employees who are immediate family members of a person called to active military duty or called to active duty status in the National Guard or Reserves, and for employees who are immediate family members of active duty service members in the regular Armed Forces, to use their 12 weeks of FMLA leave, or any portion thereof, to address certain qualifying contingencies which arise from the call to duty. Examples of matters that qualify as qualifying exigencies are set out in the applicable FMLA regulations and are generally referred to in Part I above under the heading “Military Family Leave Entitlements”. The second type is generally referred to as “Military Caregiver”. Military Caregiver leave allows

The second type is generally referred to as “Military Care giver”. Military Care giver leave allows for an employee who is an immediate family member of, or next of kin to a service member who incurred a “serious injury or illness” in the line of duty on active duty to take up to 26 weeks of FMLA leave during “a single 12-month period” to care for the service member. The “Serious Injury or Illness” must be incurred in the line of duty as determined by the enactment of H.R. 2647, “Serious Injury or Illness” also includes an injury or illness that existed before the beginning of the service member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. Also based on the enactment of H.R. 2647, care giver leave is now expanded to eligible employees caring for a family member who is a veteran who is undergoing treatment, recuperation or therapy for a service-related Serious Injury or Illness that occurred any time during the five years preceding the treatment. The serious injury or illness may manifest itself before or after the service member became a veteran (for example PTSD).

(b) Persons Who May Receive Military-Related FMLA Leave

Qualifying Exigency leave may only be taken by a spouse, parent or child of a service member. This leave applies to National Guard, Reservist and regular, active Armed Forces service members. Military Caregiver leave may be taken by spouses, parents, children or “next of kin”. “Next of kin” means the nearest blood relative other than a spouse, child or parent. The service member can designate who is his/her next of kin who will be acting as his/her caregiver. Military Caregiver leave applies to the armed forces, including regular armed forces, National Guard and Reserve. Based on the enactment of H.R. 2647, caregiver leave is now expanded to eligible employees caring for a family member who is a veteran who is undergoing treatment, recuperation or therapy for a service-related serious injury or illness that occurred any time during the five years preceding the treatment.

2. Calculation of Leave Entitlement

(a) Military Caregiver Leave

The up to 26 workweeks of unpaid leave for Military Caregiver leave is based on “a single 12-month period” that begins on the first day that the employee takes leave for

this purpose. An eligible employee is limited to a combined total of 26 workweeks of leave for ANY FMLA-qualifying reason during the “single 12-month period”, and only 12 of the 26 workweeks may be for a FMLA-qualifying reason other than to care for a covered service member.

Spouses employed by the City are limited to a combined total of 26 weeks in a “single 12-month period”. If the employee does not use the entire 26 weeks during the applicable “single 12-month period” the unused weeks do not carry over and are forfeited.

(b) Qualifying Exigency Leave

The up to 12 weeks of unpaid leave for Qualifying Exigencies is based on the rolling 12-month period established by the City for FMLA leave. It is not 12 weeks in addition to the standard 12-week entitlement; rather, the employee can use all or a portion of the employee’s standard 12 weeks towards qualifying exigency leave. Thus, to the extent FMLA leave is used for a qualifying exigency, the amount of leave available for use by an employee for the employee’s own serious health condition or other qualifying FMLA purpose is reduced.

3. Use of Paid Leave/Accrual of Benefits/Insurance

The City requires that an employee exhaust any available accrued paid leave concurrently with FMLA leave. After any available paid leave is exhausted, the remainder of the FMLA leave taken shall be unpaid leave.

Other benefits, such as sick leave and vacation leave will not accrue while the employee is on unpaid leave, but will continue to accrue during any period of paid leave.

Health insurance is subject to the same rules as standard FMLA leave. *See* Part II B. (5) above.

4. Intermittent Leave

Military Caregiver leave may be taken intermittently when *medically necessary* to care for the covered service member or veteran. When leave is for planned medical treatment, the employee must make a reasonable effort to coordinate and schedule such treatment so as not to unduly disrupt the operations of his/her department. Qualifying Exigencies leave may also be taken intermittently under the circumstances and as required to be granted by the FMLA regulations.

5. Employee Notice

Employees seeking to use military caregiver leave must generally give 30 days’ notice of the need to take leave for planned treatment of the service member or veteran; however, if the leave is foreseeable but 30 days’ notice is not practicable, the employee must provide notice as soon as practicable—generally either the same or the next business day. An employee must provide notice of the need for FMLA leave for a qualifying exigency as soon as practicable.

When the need for military family leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Such notice must provide the City with sufficient information to determine that the employee is seeking leave that could qualify as FMLA leave, and the anticipated timing and duration of the leave. For example, if an employee is seeking leave for a qualifying exigency, the notice should provide the City with information on the particular qualifying exigency related to the active duty or call to active duty status of a covered military member and the anticipated date(s) and duration of the leave. For military caregiver leave, the notice should at a minimum provide the City with information showing that the leave is for a qualifying family member who is a covered service member or veteran with a service-related serious injury or illness and the anticipated date(s) and duration of the leave.

6. Employer Notice

The notice requirements and forms applicable to the FMLA generally apply-specifically including:

Form WH-381-Notice of Eligibility and Rights and Responsibilities; and
Form WH-382-Designation Notice

7. Certifications

The City may require that an employee's request for military family leave be supported by an appropriate certification.

Qualifying Exigency leave must be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which the leave is sought, including contact information if the leave involves meeting with a third party. The City may contact an individual or entity named in a certification to verify the information contained therein.

Military Caregiver leave for a covered service member or veteran with a serious injury or illness must be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA). The City may take steps to verify/authenticate or clarify a medical certification, ITO or ITA, but such cannot be conducted by the employee's direct supervisor. Such will generally be conducted through the Human Resources Coordinator.

Adoption of Certification Forms. The DOL-approved certification forms for FMLA military leave are adopted for use:

Form WH-385-Certification for Serious Injury or Illness of Covered Service Member; and
Form WH-384-Certification of Qualifying Exigency for Military Family Leave
Any additional forms issued by DOL to address the changes made by H.R. 2647

8. Failure to Return to Work

An employee will be considered to have abandoned the job and may be terminated from

employment if the employee fails to return from leave or to contact the Human Resources Coordinator about the need to extend the leave (if less than the amount of the FMLA leave entitlement has been used) on or before the first work day following the end of approved FMLA leave.

IV. Rules of General Applicability

A. Policy as a Summary

The FMLA is a complex law made even more complex by its interaction with other laws. Therefore, it is impossible to address every possible matter that may arise. This Policy is intended as a general summary, and does not prevent the City from relying on provisions of the FMLA or its regulations not specifically addressed herein.

B. No Retaliation

No official or employee of the City shall discriminate or retaliate against an employee for seeking FMLA leave, or intentionally deny, restrain or interfere with any right provided by the FMLA.

No official or employee of the City shall discriminate or retaliate against any person for opposing, reporting, assisting in opposing, filing a claim, or assisting in the prosecution of a claim for violation of the FMLA.

Such discrimination, retaliation, or intentional acts will subject the perpetrator to disciplinary action, up to and including discharge.

**APPENDIX “C”
CITY OF MARLIN
INJURY AND ILLNESS POLICY**

A. Statement of Purpose

To specify reporting requirements when City of Marlin employees sustain injuries or illnesses and to address the necessity for medical AVL-7 treatment. The policy specifies when an employee who is returning to work from an illness or injury must meet with their immediate supervisor and provide a physician’s statement, and/or report the use of medications. The policy also informs employees about fraudulent reporting penalties.

B. General Policy

1. Injuries on City property; injuries sustained while using City equipment; or illnesses which develop as a result of the employee’s work must be reported to the employee’s supervisor.
2. If an injury is traumatic, life threatening, an employee will be provided with immediate emergency care.
3. If an injury is a non-emergency, an employee will report to his/her immediate supervisor for examination.
4. Department Coordinators shall make a copy of Policy AVL-7 available to all City employees within their department.
5. Questions regarding this policy may be directed to the Human Resources Department.

C. Reporting Injury or Illness Procedures

1. Each City of Marlin employee is required to report injuries or illnesses to their supervisor within 24 hours from the time of the incident or as soon as possible. In the event that their immediate supervisor is not available, the employee will report the injury or illness to a departmental supervisor or their department coordinator. The employee and his/her immediate supervisor must complete the Employee Incident Report and the supervisor must complete the Supervisor Incident Report. Both forms to be sent to the Human Resources Department. The Employer’s First Report of Injury Form will be completed by the Human Resources Department.
2. The following injuries or illnesses must be reported:
 - a. An on-the-job injury;
 - b. An injury on City of Marlin property;
 - c. An injury sustained while using City equipment;
 - d. An illness or condition, which develops and is related to the employee’s work; or
 - e. An off the job illness or injury that may affect the ability of the employee to

perform
the essential functions of their position.

3. In the event of a traumatic or life-threatening medical emergency, treatment is to be obtained immediately and without regard to these reporting requirements.
4. Delay in reporting may result in an employee being charged directly by health care providers for medical bills that are related to an on-the-job injury.
5. Health care providers and pharmacies may refuse care and medicines to employees that fail to report work-related injuries as required by this policy.
6. An employee may be subject to disciplinary action for failure to comply with the reporting requirements of this policy.

D. Medical Treatment Procedures

1. After reporting an injury or illness, an employee will be referred to the local hospital for examination.
2. If there is any question about the severity of an injury or illness, the employee must be referred to the local hospital as soon as possible. Either the employee or supervisor may request the referral.
3. If an injury is traumatic, life threatening, an employee will be provided with immediate emergency care.
4. A supervisor shall assist the injured or ill employee in obtaining initial medical treatment including arranging transportation as needed.

E. Fraudulent Reporting of Injury or Illness

1. It is a violation of this policy and a criminal offense if a person knowingly or intentionally makes a false or misleading statement, misrepresents or conceals a material fact, or fabricates, alters, conceals or destroys documents with the intent of obtaining or denying payments of Workers' Compensation benefits.
2. Persons who knowingly receive Workers' Compensation benefits for which they are not entitled commit a criminal offense and violate this policy.
3. An employee may be subject to disciplinary action up to and including discharge for making a fraudulent report.

F. Procedures Prior To The Employee's Return to Work

1. Employees may be required to meet with their immediate Supervisor prior to returning to work whenever work time is lost due to either a job-related or non-job-

related injury or illness.

2. Employees are required to meet with their immediate supervisor and also provide a physician's statement prior to returning to work if:

- a. JOB-RELATED – the injury or illness was job-related and medical treatment from a medical care provider was received; or
- b. NOT JOB-RELATED – the injury or illness was NOT job-related; the employee was absent all or part of three (3) or more consecutive work days (not counting days off); and their immediate supervisor was not consulted by the employee concerning treatment for the injury or illness; or
- c. NOT JOB-RELATED – the injury or illness was NOT job-related and the employee received prescription medications, or
- d. LEAVE OF ABSENCE – the employee is returning to work from a medical or disability leave of absence; or
- e. RESTRICTED DUTIES – a physician places restrictions on the employee that affects the employee's ability to perform the essential functions of their position.

3. Employees will be required to present a physician's statement verifying the employee's absence was due to illness or injury if:

- a. A supervisor reasonably suspects sick leave abuse, or
- b. As deemed necessary by their immediate supervisor

4. Failure to provide a physician's statement may result in the time off being charged to vacation or leave without pay, or other administrative/disciplinary action.

5. If a question arises whether or not a Police Officer or Firefighter is physically or mentally fit to continue to perform the job duties, a determination of physical or mental fitness shall be made in accordance with Section 143.081 of the Local Government Code.

6. The 143.081 "Fitness for Duty" provision does not apply to a temporary leave of absence due to disability from an injury or illness which is covered by Section 143.073 of the Code.

G. Reasonable Accommodation/Work Restrictions

1. If an employee's physician imposes work restrictions or the employee is temporarily disabled, the City will consider reasonable accommodation/work restrictions as required or allowed by law.

2. The physician will discuss work restrictions with the employee, list them in writing and notify the employee's supervisor of the work restrictions.
3. If an employee is placed on restricted duty, the Supervisor is responsible for determining if restricted work is available and shall comply with the restrictions in making work assignments.
4. The Physician shall be consulted if an employee's ability to perform a specific task is in question.
5. Failure to comply with or disregard of restrictions could result in disciplinary action against the supervisor and/or employee.

H. Use of Medications

1. If an employee is using a legally obtained prescription or over-the-counter medication which could potentially affect safety in the workplace, the employee must follow the following procedures:
 - a. The employee shall report the use of the medication to their immediate supervisor prior to reporting to the work site.
 - b. However, if the employee has reported to work and it then becomes necessary to use such a medication, the employee should promptly advise the supervisor.
 - c. The supervisor shall have authority to make arrangements for transportation if deemed necessary.
 - d. The supervisor and employee shall review and acknowledge any potential effects of the medication(s).
2. The supervisor, based upon information obtained from the treating physician or clinic, shall determine whether the employee will be:
 - a. Allowed to continue with normal work duties
 - b. Considered for altered or restricted job duties; or
 - c. Required to, be off work until the medication(s) is no longer medically necessary.
3. If the supervisor is unable to determine whether the employee could safely and effectively perform assigned duties or if the employee disagrees with the supervisor's decision, the employee will be required to obtain a written statement from the employee's physician recommending the appropriate action.

4. The Physician will notify the supervisor of the employee's work status in writing.

I. Provisions of the Texas Workers' Compensation Act Prevail

In the event of a conflict between this policy and the provisions of the Texas Workers' Compensation Act (TWCA), the provisions of the TWCA shall prevail.

APPENDIX “D” Recording Your Time

ALL HOURLY EMPLOYEES ARE REQUIRED TO RECORD THEIR HOURS OF WORK BY USING THE TIME CLOCK AND A TIME SHEET. UPON COMPLETEING THE PAY PERIOD, ADD UP THE HOURS YOU WORKED AND RECORD THE SAME ON THE TIME SHEET. SIGN BOTH THE TIME CARD AND THE TIME SHEET. ATTACH TIME CARD TO THE TIME SHEET AND TURN IN YOUR SUPERVISOR. PUNCH “IN” AND “OUT” EVERY TIME YOU START AND QUIT WORK. YOU MUST PUNCH YOUR TIME CARD. THE NORMAL TIMES YOU WILL BE

PUNCHING YOUR TIME CARD ARE AS FOLLOWS:

PUNCH IN AT THE BEGINNING OF YOUR SHIFT

PUNCH OUT WHEN YOU TAKE YOUR LUNCH

PUNCH IN WHEN YOU COME BACK TO WORK

PUNCH OUT AT THE END OF YOUR SHIFT.

IF YOUR CREW DOES NOT TAKE A LUNCH, YOU WILL PUNCH “IN” AND “OUT” FOR THE SHIFT.

ANY TIME THAT IS NOT PUNCHED, REQUIRES SUBMISSION OF A MISSING TIME PUNCH FORM ALONG WITH SUBSTANTIATED REASON FOR MISSING THE PUNCH AND AN EMPLOYEE SIGNATURE AND SUPERVISOR’S SIGNATURE. MISSING TIME PUNCH FORMS WILL BE SUBMITTED ALONG WITH TIME SHEET AND ACCOMPANYING DOCUMENTS TO HUMAN RESOURCES FOR PAYROLL PROCESSING.

AFTER YOU HAVE COMPLETED YOUR TIME SHEET FOR THE WORK PERIOD, CHECK IT TO ASSURE THAT IT IS CORRECT. CORRECT THE TIME SHEET, IF NECESSARY, INITIALING EVERY CORRECTION, THEN RETURN TIME SHEET TO YOUR SUPERVISOR.

ONLY YOU CAN PUNCH YOUR TIME CARD. *NO ONE ELSE* IS ALLOWED TO PUNCH YOUR TIME CARD FOR YOU UNDER ANY CIRCUMSTANCES. ANY ONE WHO DOES THIS WILL BE TERMINATED IMMEDIATELY.