



**PERSONNEL  
POLICIES AND PROCEDURES  
MANUAL**



***CITY OF GAINESVILLE MISSION STATEMENT***  
AS ADOPTED BY THE GAINESVILLE CITY COUNCIL

THE CITY OF GAINESVILLE EXISTS TO MEET THE NEEDS AND  
IMPROVE THE QUALITY OF LIFE OF ITS CITIZENS.

***CITY EMPLOYEE MISSION STATEMENT***

WE ARE ACCOUNTABLE TO THE GAINESVILLE COMMUNITY  
FOR PROVIDING PROFESSIONAL, TIMELY SERVICE WHICH  
ENHANCES ALL OF OUR LIVES.

***CORE VALUES***

PROFESSIONAL IN OUR APPROACH  
RESPECTFUL OF OTHERS  
INNOVATIVE IN THOUGHT AND ACTION  
DEPENDABLE  
ENTHUSIASTIC

WE TAKE PRIDE IN OUR WORK AND RESPONSIBILITY FOR OUR  
ACTIONS



## **Personnel Policies and Procedures Manual**

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CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 1.01 PAGE NO. 1 of 1
Chapter 1: INTRODUCTION AND INSTRUCTION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PURPOSE AND OBJECTIVES	LAST REVISION DATE:

**I. Purpose**

The purpose of the City of Gainesville Personnel Policies and Procedures Manual is to provide department directors, supervisors, and employees with a written source of information about the policies, procedures, and administrative directives of the City of Gainesville.

**II. Objectives**

The objectives of the City of Gainesville Personnel Policies and Procedures Manual are:

- To promote good and uniform personnel practices and administration in the management of the City's human resources.
- To reduce questions about policies, procedures, and directives by having them readily available for reference.
- To promote high morale by the consistent administration of policies, procedures and directives, and through consideration of the rights and interests of all employees.
- To ensure that policies, procedures and directives are kept current by periodic updates of this manual.

**III. Relationship to the Code of Ordinances of the City of Gainesville, Texas**

Every effort will be made to ensure that policies and procedures are consistent with the Code of Ordinances of the City of Gainesville, Texas. If, however, there is any discrepancy, the Municipal Code shall apply. Any person finding discrepancies should notify the Human Resources Department immediately.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 1.02 PAGE NO. 1 of 1
Chapter 1: INTRODUCTION AND INSTRUCTION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: MANAGEMENT AUTHORITY	LAST REVISION DATE:

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

**I. Management Authority**

- A) The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of this Policies and Procedures Manual does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.
- B) Policy administration rests with City management and City management reserves sole authority to administer City operations.

**II. Department Policy and Procedural Requirements**

Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this manual, or other approved operational manuals, do not need to be reviewed and approved by the Director of Human Resources. All others, however, are subject to approval by the Director of Human Resources and the City Manager. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Department policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

**III. Miscellaneous**

- A) Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.
- B) Only the City Manager has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures.
- C) Any statement in a policy and/or procedure found to be illegal, incorrect, and/or inapplicable will not affect the validity and intent of the remaining content of such policy or procedure.
- D) Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.
- E) Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.
- F) The City Manager may delegate rights and powers granted under these policies and procedures to the Director of Human Resources or to others as deemed appropriate at the City Manager's sole discretion.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 1.03 PAGE NO. 1 of 1
Chapter 1: INTRODUCTION AND INSTRUCTION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: APPLICATION OF POLICIES AND PROCEDURES	LAST REVISION DATE:

It is the goal of the City of Gainesville to apply the policies and procedures contained in this manual consistently and uniformly to all City employees, provided that the provisions may be varied by the City Manager when determined to be in the City's best interest, including in the case of an employee with a written employment agreement approved by the City Manager or the City Council. All employees must become familiar with and abide by these policies and procedures. The City reserves the right to revise or rescind any policy or procedure at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the City of Gainesville Personnel Policies and Procedures Manual.

The City Council reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures or benefits discussed herein.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 1.04 PAGE NO. 1 of 1
Chapter 1: INTRODUCTION AND INSTRUCTION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: AT-WILL EMPLOYMENT	LAST REVISION DATE:

Employment with the City of Gainesville 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 for a specific term 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. The City of Gainesville Personnel Policies and Procedures Manual does not constitute a contract of employment. Nothing in this manual is intended to alter the continuing at-will status of employment with the City.

Although adherence to City policies and procedures is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. 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.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 1.05 PAGE NO. 1 of 1
Chapter 1: INTRODUCTION AND INSTRUCTION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: DISTRIBUTION AND ACCESS, AMENDMENTS AND UPDATES	LAST REVISION DATE:

**I. Distribution of the Personnel Policies and Procedures Manual**

- A) Copies of the City of Gainesville Personnel Policies and Procedures Manual will be distributed to each department and division (if not located at the department address).
- B) All new or revised policies, procedures, and directives will be distributed from the Human Resources Department and be effective as of the last revision date.

**II. Access to the Personnel Policies and Procedures Manual**

- A) Department Directors are responsible for making the City of Gainesville Personnel Policies and Procedures accessible to all employees in their department and shall keep the manual located in a conspicuous place.
- B) The Human Resources Department will coordinate with the City's webmaster to ensure the City of Gainesville Personnel Policies and Procedures are accessible to all employees from the City's website.

**III. Amendment of Personnel Policies and Procedures Manual**

- A) The City Council makes all personnel policies while the City Manager is responsible for the implementation of the policies.
- B) Amendments and/or updates to the City of Gainesville Personnel Policies and Procedures Manual must be approved by resolution of the City Council. The City Manager, as authorized by the City Council, may amend, revise and make certain changes to the City of Gainesville Personnel Policies and Procedures Manual as deemed necessary in the event said changes do not have the effect of revising the original force and intent of the policies and/or procedures set forth and adopted by the City Council.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.01 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: EQUAL EMPLOYMENT OPPORTUNITY	LAST REVISION DATE:

The City of Gainesville is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, disability, veteran's status or other unlawful basis, is prohibited.

Any employee who observes unlawful discrimination or who feels that he/she has been subjected to unlawful discrimination must report it immediately as set out in the City's Sexual and Other Unlawful Harassment Policy (Reference No. 7.09). Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.02 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: AMERICANS WITH DISABILITY ACT (ADA)	LAST REVISION DATE:

To ensure compliance with the Americans with Disabilities Act, the City of Gainesville offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

### **ADA Requirements**

To the extent reasonably possible, the City will accommodate individuals with disabilities in the application, hiring and employment process. Reasonable accommodation is available to all applicants and employees, so long as the accommodation does not create an undue hardship for the City, and can be provided without posing a substantial or imminent safety risk. Individuals with disabilities requiring accommodations should notify the Human Resources Department. The City requests sufficient notice, when possible, to give time to arrange the accommodation.

Applicants or employees who have a complaint involving potential violations of the American 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 Sexual and Other Unlawful Harassment Policy (Reference No. 7.09). Such individuals will not be subject to retaliation for requesting accommodation or because of complaints about the denial of reasonable accommodation.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.03 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: JOB POSTING	LAST REVISION DATE:

The Human Resources Department will be responsible for posting all job announcements for vacant positions. The following procedure has been established to ensure that announcements of vacant positions are posted on a timely basis in specified locations.

**I. Personnel Requisition**

- A) All requests for job posting and advertising shall be submitted to the Human Resources Department on a Personnel Requisition Form provided by the Human Resources Department.
- B) In the case where a department wishes to advertise a job announcement in a newspaper publication, the department must submit the requisition form to the Human Resources Department at least three days before the desired publication date to allow adequate time for the advertisement to be submitted to the publication. Advertisements to be included in a Sunday publication must be submitted by the preceding Tuesday.
- C) Job announcements will be prepared by the Human Resources Department and distributed to all departments and divisions to be posted in an area available to all employees.

**II. In-House Posting**

- A) In-House postings are job announcements for which only current City of Gainesville employees may apply.
- B) The minimum posting time for all In-House postings will be three (3) working days. If there are no qualified applicants from In-House posting, the department may choose to open the position to the public.

**III. General Posting**

- A) General postings are job announcements for which the general public or current City of Gainesville employees may apply.
- B) The minimum posting time for general postings will be five (5) working days.

NOTE: A vacant position is not required to be posted or advertised In-House or open to the general public if the department director wishes to move, transfer, or promote a qualified employee from the same department into the vacant position in accordance with City policies and procedures.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.04 PAGE NO. 1 of 2
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: RECRUITMENT AND SELECTION	LAST REVISION DATE:

The City hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, or any other characteristic protected by law.

**I. Applications**

- A) Anyone seeking employment, promotion, transfer, or reemployment with the City in response to a posted job announcement must complete and submit an official City employment application packet for the position desired. All information set forth on an application is subject to verification.
- B) Applications will normally be considered active until the vacancy is filled.

**II. Human Resources Procedures**

- A) The Human Resources Department will be responsible for receiving all applications for vacant positions. (For position posting guidelines, refer to Reference No. 2.03.) Applications will not be accepted for positions other than those posted by job announcement, with the exception of applications for firefighters, police officers and police communications operators.
- B) The Human Resources Department staff will review applications and forward all qualified applications to the hiring supervisor.

**III. Department Procedures**

- A) Supervisors will review the referred applications, interview the applicants deemed most qualified, and make the final decision for employment based on job related requirements, qualifications, and past employment verification.
- B) Upon selection of a final candidate, the supervisor will complete and forward an Applicant Selection Memo form to the Human Resources Department instructing the Human Resources Department to conduct a background check and driver's license check (when applicable).
- C) Upon approval of the background and driver's license check from the Human Resources Department, the supervisor or hiring authority will extend the contingent offer of employment to the successful candidate and agree on a starting date. All offers are contingent upon results of a pre-employment examination and drug and alcohol screen. Upon receipt of the Employee Authorization for Release of Health Information Form, the Human Resources Department will, where appropriate, make arrangements for a pre-employment physical, and notify the department upon receipt of the results.
- D) When the supervisor or hiring authority has made the final selection, he or she will document the selection/rejection reason for all referred applicants.
- E) When an applicant has been hired, the hiring authority will promptly return all applications and documentation to the Human Resources Department.

Title: RECRUITMENT AND SELECTION	REFERENCE NO. 2.04 PAGE NO. 2 of 2
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#### **IV. Disqualification**

Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and were terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a City policy or procedure;
- If their employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirements;
- False statements or material omissions on the application form or during the application or interview process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without reasonable accommodation;
- If applicant previously worked for the City and upon separation was deemed not eligible for rehire; or
- Any other reason deemed to be in the best interests of the City.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.05 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: RECRUITMENT/RELOCATION EXPENSES	LAST REVISION DATE:

The City of Gainesville may reimburse the City Manager or Department Directors for reasonable and necessary expenses incurred during position recruitment and relocation. The City Manager must approve all reimbursements incurred for interview and relocation expense and may, at his/her discretion, restrict the reimbursement of all unreasonable expenses. In order to be reimbursed for interview and relocation expenses, all expenses must be submitted, along with all receipts, to the City Manager.

**I. Recruitment Expenses.** The City may reimburse applicants for the following expenses:

- A) Travel: one round-trip economy air fare and economy car rental to and from the airport; or, reimburse for personal car mileage at a rate established by the Internal Revenue Service, not to exceed the cost of an economy air fare.
- B) Lodging: up to three nights lodging on the interview trip.
- C) Meals: for meals associated with the interview trip.

**II. Relocation/Moving Expenses.** The City may reimburse top management and executive positions for the following relocation expenses:

- A) Moving: reasonable expenses in connection with packing, moving, unpacking and insuring of household furniture.
- B) Storage: costs of temporary storage of household effects for a period of up to three months, prior to the move into the permanent living quarters, including insurance during storage.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.06 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: CITIZENSHIP AND SOCIAL SECURITY NUMBER	LAST REVISION DATE:

**I. Citizenship Requirements**

- A) Each employee of the City of Gainesville shall be either a citizen of the United States or a legally-documented alien with an approved work visa or permit.
- B) Applicants for employment with the City of Gainesville will be asked to provide proof of United States citizenship or legal eligibility to work in the U.S. in the form of a birth certificate, naturalization paper, social security card, U.S. passport, and a pictured identification card; i.e., driver's license or other documents as specified in the Immigration Reform and Control Act of 1986.
- C) Applicants who cannot demonstrate either United States citizenship or status as a legal alien with approval to work in the United States will not be considered for employment.
- D) Employees who lose their status as United States citizens or whose visa or work permit expires shall be terminated.

**II. Social Security Number**

Each employee of the City of Gainesville must have a valid social security number.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.07 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: VALID DRIVER'S LICENSE	LAST REVISION DATE:

The City of Gainesville requires that every employee who operates a City-owned or leased vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorization necessary for the City to perform such a check. Moving traffic violations will be considered and may result in failure to hire in the case of prospective employees, and may result in disciplinary action of an active employee. Each report will be reviewed and considered on a case by cases basis.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.08 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: BACKGROUND CHECKS	LAST REVISION DATE:

The City of Gainesville performs background checks on applicants and employees to the extent necessary to determine their eligibility for employment or ongoing employment, as the case may be. Background checks may include, but are not necessarily limited to, drivers license checks, outstanding warrant checks, criminal history and credit reports. The City may also conduct periodic background checks on existing employees. Applicants and employees are required to give the City whatever authorization is necessary for it to perform such checks.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.09 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: RESIDENCY	LAST REVISION DATE:

Residency requirements for employees of the City of Gainesville shall be based entirely on the requirements of the position held by the employee.

Immediate supervisors, with the specific approval of their department directors, may establish reasonable response time requirements for certain positions which may be subject to emergency recall and/or periodic service on a stand-by status. This information is to be outlined in the department's Standard Operating Procedure with a copy submitted to the Department of Human Resources.

A definition of and guidelines for establishing reasonable response time will be explained by the employee's supervisor at the time of employment and/or at any time when job requirements or response time guidelines change.

Employees of the City of Gainesville shall not be required to nor discriminated against for not establishing a residence within the corporate city limits of Gainesville. However, ability to meet established response time requirements for some positions will be considered a condition of employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.10 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: MINIMUM AGE	LAST REVISION DATE: 05/07/2013

The City of Gainesville's minimum age for regular employment will be eighteen (18) years of age. The only exception will be for selected seasonal and/or temporary positions when prescribed differently by federal or state law. In no case are individuals younger than fifteen (15) years of age eligible for employment.

Proof of age and a Consent to the Employment of a Minor form provided by the Human Resources Department will be required of each applicant who is under eighteen (18) years of age prior to employment with the City.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.11 PAGE NO. 1 of 3
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: NEPOTISM	LAST REVISION DATE: 05/07/2013

The City of Gainesville shall not contribute, through employment, in-house advancement or transfer process, to the creation of an inequity or impropriety among its employees. This policy is established in order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information.

**I. Kinship**

For the purposes of this policy, the following shall constitute familial relationships:

- |                       |   |  |             |
|-----------------------|---|--|-------------|
| <b>First Degree:</b>  | Mother<br>Father<br>Sister<br>Brother<br>Son<br>Daughter  |   | (or) in-law |
| <b>Second Degree:</b> | Uncle<br>Aunt<br>Nephew<br>Niece<br>Grandfather<br>Grandmother<br>Granddaughter<br>Grandson<br>1 <sup>st</sup> Cousin |  | (or) in-law |
| <b>Other:</b>         | Spouses or “Significant Others”<br>Former spouses<br>Engaged couples  |  |             |

**II. Applicants**

An applicant shall be requested to list and shall list all relatives employed by the City or serving on a board or commission on his/her application for employment.

- An applicant related, as defined in Section I of this policy, to the City Manager shall not be employed by the City.
- An applicant related, as defined in Section I of this policy, to any member of the City Council shall not be employed by the City.
- Under no circumstances will an applicant be employed in a department in which he or she may directly or indirectly supervise or be supervised by a member of his/her family, as defined in Section I of this policy.

Title: NEPOTISM	REFERENCE NO. 2.11 PAGE NO. 2 of 3
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- In a department comprised of more than one division, an applicant related, as defined in Section I. of this policy, to a City employee employed in that division will not be eligible for employment within the same division. An applicant for a job in an undivided department who is related, as defined in Section I of this policy, to an employee of that department will not be eligible for employment in that department.

### **III. Other Restrictions**

The following restrictions apply on the employment of any relative, including those defined as family members in Section I of this policy:

- No employee in the relationship will supervise, review or process the work of the other;
- No current employee may be appointed or promoted to any supervisor's span of responsibility that is related within the provisions of this section to that supervisor.
- The employees' relationship must not create a conflict between employees/City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

### **IV. Promotion**

In the event of a proposed promotion giving rise to a relationship prohibited by this policy, any employed family member of a person considered for promotion to any of the positions identified above must agree to immediately tender his/her written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.

### **V. Reorganization**

In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this policy, the lower ranking employee will be required to immediately resign his/her employment. If both employees are of equal rank, one of them will be required to immediately resign his/her employment. Normally, any such resignation will not be effective until ninety (90) days after the reorganization, etc., occurs.

### **VI. Engagement or Marriage of Current Employees**

In the event of an engagement or marriage between two City employees, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of engagement or marriage, one or both of the affected employees will be required to resign from employment.

### **VII. Boards and Commissions**

If an employee is already employed with the City, then the employee is not required to transfer or resign upon the appointment of a relative to a board or commission. However, an applicant who is a relative of an existing board member or member of a commission is not eligible for employment in the division which serves as the liaison to the board or commission.

Title: NEPOTISM	REFERENCE NO. 2.11
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**VIII. Temporary and Seasonal Employees**

Temporary and/or seasonal employees of the City shall be exempt from this policy.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.12 PAGE NO. 1 of 2
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: MEDICAL EXAMINATIONS/FITNESS FOR DUTY	LAST REVISION DATE:

The City of Gainesville endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his/her position, either with or without reasonable accommodation. It is the policy of the City to require certain applicants and employees to be examined by a physician under certain circumstances described below. Medical examinations may also be used to ensure that employees remain in good physical condition in order to perform the demands of the job.

## **I. Required Medical Examinations**

- A) The Human Resources Department together with Department Directors will determine which positions will require a post-offer pre-employment medical and/or psychological examination. Prospective employees for these positions will be required to pass a medical and/or psychological examination administered by a physician designated by the City and the prospective employee will not be hired unless the examining physician certifies that the person meets the minimum standards of physical and/or psychological fitness required for the position and is able to perform the essential functions of the position with or without reasonable accommodation.
- B) Employees may be required to have a medical and/or psychological examination for in-house advancement, transfer or other personnel action where the supervisor deems it necessary due to different physical and/or psychological requirements or duties of the new position.
- C) The Director of Human Resources, or an employee's Department Director (with the prior approval of the Director of Human Resources) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment; as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; whenever the employee's supervisor determines that a potential health problem may prevent an employee from performing his/her job duties; and as otherwise permitted in accordance with the Americans with Disabilities Act.
  - (1) Time away from work under this policy will normally be coded as paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.
  - (2) Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the Director of Human Resources.

All medical exams must be coordinated by and through the Human Resources Department.

## **II. Serious Health Condition/Disabilities**

The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disability may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Title: MEDICAL EXAMINATIONS/FITNESS FOR DUTY	REFERENCE NO. 2.12
	PAGE NO. 2 of 2

**III. Payment of Medical Examinations**

- A) Medical examinations required by the City will be paid for by the City, are the property of the City of Gainesville and shall be confidential. A copy of the medical examination report shall be available to the employee upon request.
- B) When the City requires a physical examination or physician's report concerning an illness or injury suffered by an employee, the examination shall be at the expense of the City and performed by the City physician or a specialist the City physician refers the employee to.
- C) Employees who are not satisfied with the physician's determination may submit a report from a physician of their own choosing and at their own expense. In the event of conflicting opinions, the City may employ a third physician to examine the employee. The City will pay for this third physical examination. The reports of the physicians involved, along with the demands of the job and the employee's ability to perform the job duties, will be the basis for a decision.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 2.13 PAGE NO. 1 of 1
Chapter 2: EMPLOYMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: OUTSIDE EMPLOYMENT	LAST REVISION DATE:

The City of Gainesville shall be the primary employer for all employees for which benefits are being supplied. An employee may be employed in any capacity in any other business, trade, occupation or profession while employed by the City, so long as it is determined that such employment does not tend to bring the City into disrepute, reflect discredit upon the employee, or conflict with his/her employment or performance as a City employee.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform his/her job with the City are also prohibited.

Employees must receive prior written approval from their Department Director and the City Manager on the City's Outside Employment Form, before engaging in other employment.

As the primary employer, the employee must recognize the City's need for flexibility and changing schedules based upon the demand for services or departmental needs.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, worker's compensation leave, or an unpaid leave of absence to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, worker's compensation leave, or unpaid leave of absence engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the Director of Human Resources.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.



# OUTSIDE EMPLOYMENT

*City of Gainesville Personnel Policies and Procedures Manual, Reference No. 2.13*

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I, \_\_\_\_\_, have a second job which will not conflict and/or would not adversely affect my performance and work schedule with the City of Gainesville. I have read and understand the City's policy regarding Outside Employment (City of Gainesville Personnel Policies and Procedures, Reference No. 2.13).

\_\_\_\_\_  
Second Employer Name

\_\_\_\_\_  
Second Employer Address

\_\_\_\_\_  
Second Employer Telephone

\_\_\_\_\_  
Approximate hours worked per week

Briefly describe what type of job duty you will perform at this job.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Department Director Approval

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
City Manger Approval

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Human Resources Signature of Receipt

\_\_\_\_\_  
Date Signed

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.01 PAGE NO. 1 of 1
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: NEW HIRE ORIENTATION	LAST REVISION DATE:

**I. Department Orientation**

On the first day of employment, the new employee and his/her supervisor will review, complete and sign the New Employee Orientation Checklist form provided by the Human Resources Department. The department will forward this form, along with all other required enrollment and new hire documents from the Human Resources New Hire Packet to the Human Resources Department.

**II. Human Resources Orientation**

The new employee will attend and participate in the next scheduled New Hire Orientation session conducted by the Human Resources Department to learn more about the City, including employee relation services, benefits, policies and procedures. New employees will be given an opportunity to ask questions and discuss City employment and services. All new full-time and part-time employees are required to participate in new hire orientation within thirty (30) days of employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.02 PAGE NO. 1 of 3
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PROBATIONARY PERIOD	LAST REVISION DATE:

All new employees hired to fill regular full-time or part-time positions in the City of Gainesville must satisfactorily complete a performance probationary period of six months. Additionally, all current employees who are promoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance probationary period of six months. The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. An extended orientation and/or training time may be added to the probationary period. Employees are considered probationary employees until they have actually performed their regular job duties for at least six months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

Each probationary employee is responsible for knowing, understanding, and meeting the expectations and standards for his/her position. In addition, each employee is also responsible for performing his/her job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the probationary period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, attitude, or conduct.

**The successful completion of a probationary period does not create a contract of employment or guarantee employment for any specific duration or establish a "just cause" disciplinary or termination standard. The employee remains at all times "at-will" as described in City of Gainesville Personnel Policies and Procedures, Reference No. 1.04.**

**I. Seasonal/Temporary Employees**

Seasonal and temporary full-time and part-time employees do not serve a performance probationary period and have no right of appeal when terminated at any time.

**II. Change In Assignment or Probationary Employee**

Probationary employees may not request or make application for reassignment, promotion, or voluntary transfer during the probationary period unless approved by their Department Director and the Director of Human Resources. If the reassignment, promotion, or transfer is approved, the employee will serve a six-month performance probationary period in the new position beginning with the date of the position change.

**III. Absences During Performance Probationary Period**

Employees may not use vacation during their performance probation period. Employees may use sick leave for qualifying absences. Compensatory time off or recognized holidays during the performance probationary period may be used as approved per established City/Departmental policy or practice.

Transferred or promoted employees serving probationary periods retain their eligibility for all types of leave established by City policy.

Title: PROBATIONARY PERIOD	REFERENCE NO. 3.02
	PAGE NO. 2 of 3

#### **IV. Probationary Performance Assessments**

All probationary employees shall be constantly evaluated and will receive performance assessments in accordance with the Employee Professional Development Assessment System Policy (Reference No. 3.03). These reviews are designed to evaluate each employee's performance and communicate that performance to the employee.

#### **V. Extensions to Probationary Period**

The performance probationary period may be extended under the following circumstances:

At the end of the six-month probationary period, performance probation may be extended for up to an additional three months when a probationary employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probation period will be completed. Such extension will be at the sole discretion of the Department Director and the Director of Human Resources.

A probationary period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the probationary period will normally extend the six-month probationary period by an additional day.

#### **VI. Successful Completion of Probation/"Regular" Status Granted**

An employee is granted "regular" status in the new position if the employee satisfactorily completes the performance probationary period.

#### **VII. Failure of Probation**

An employee is considered to have failed probation when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probation may occur at any time within the probationary period. An employee who fails probation will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails probation may, at the sole discretion of the City, be reinstated to his/her former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training, and other efforts to help employees during their probation period.

Title: PROBATIONARY PERIOD	REFERENCE NO. 3.02
	PAGE NO. 3 of 3

**VIII. Termination of Probationary Employment**

Probationary employees are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. A probationary employee who is terminated has no right of appeal. Probationary employees are not entitled to progressive levels of discipline. Probationary employees are otherwise subject to all policies and procedures of the City.

**IX. Sexual and Other Unlawful Harassment**

Probationary employees are subject in all respects to the City's Sexual and Other Unlawful Harassment Policy (Reference No. 7.09). While probationary employees have no right of appeal, if they believe they have been subjected to unlawful harassment or discrimination, they must immediately report such conduct as set out in City of Gainesville Personnel Policies and Procedures, Reference No. 7.09.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.03 PAGE NO. 1 of 2
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: EMPLOYEE PROFESSIONAL DEVELOPMENT ASSESSMENT SYSTEM	LAST REVISION DATE:

The City uses a thorough performance assessment system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance assessment system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance assessment system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

**I. Schedule**

Regular full-time and regular part-time employees are eligible for a performance assessment upon completion of their probationary period and an annual performance assessment on their annual anniversary date each year. Supervisors may also perform a periodic performance assessment every six months.

**II. Supervisory Responsibilities**

All performance assessment information must be written where required, on forms approved by the City manager and provided by the Human Resources Department, and forwarded to the Director of Human Resources for retention in the employee's official personnel file. An assessment is considered complete at the time the employee signs and dates the assessment document or when the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the assessment document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed on the employee assessment form. Each employee will sign and date a copy of his/her employee assessment when it is reviewed, and the supervisor will forward a copy to the Director of Human Resources for filing in the employee's official personnel file.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance assessment process. Department Directors and/or mid-level managers are encouraged to review all performance assessments for validity prior to the department supervisor conducting the performance assessment with the affected employee, in order to correct any obvious errors or rating bias.

**III. Employee Responsibilities**

Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance assessment with their evaluating supervisor. If the employee is unable to resolve his/her issues and concerns with the evaluating supervisor, the employee may address them with the Department Director, if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address his/her concerns.

Title:	EMPLOYEE PROFESSIONAL DEVELOPMENT ASSESSMENT SYSTEM	REFERENCE NO.	3.03
		PAGE NO.	2 of 2

In the event an employee's assessment ratings do not average to an overall score of "Meets Expectations," the employee may be subject to dismissal from employment or be placed on a six (6) month performance probation and be re-assessed at the end of that period. If at the end of the six (6) month performance probation period the employee's assessment ratings still do not average to an overall score of "Meets Expectations," the employee will be dismissed from employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.04 PAGE NO. 1 of 1
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: CATEGORIES OF EMPLOYMENT	LAST REVISION DATE: 10/01/2014

I. The City of Gainesville classifies City employees for the purpose of employment status and benefit eligibility as follows:

- A) Performance Probationary. A full-time or part-time employee during the performance probation period of initial employment, promotion, or transfer. New hire probationary employees are not entitled to progressive levels of discipline and are not eligible to use the City's employee appeals policy.
- B) Regular full-time. An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (including certain Fire and Police shift personnel who may have different work cycles) who has successfully completed his/her initial performance probationary period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees receive benefits such as benefit hour accruals, medical benefits and participate in the Texas Municipal Retirement System (TMRS).
- C) Regular part-time. An employee in a budgeted position with an officially scheduled work week of less than 40 hours who has successfully completed his/her initial performance probationary period. Regular part-time employees who regularly work at least 1,000 hours in a year will receive benefits such as benefit hour accruals (at a half rate), medical benefits and participate in TMRS.
- D) Temporary/Seasonal. An employee who is employed for only a specific time period, for a special assignment, for an internship, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Human Resources Department. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits. Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.
- E) Volunteers. Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits.

II. In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.05 PAGE NO. 1 of 2
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PAY CLASSIFICATIONS AND JOB DESCRIPTIONS	LAST REVISION DATE:

It is the policy of the City of Gainesville to provide a systematic and organized approach for the administration of salaries for positions on a uniform, city-wide basis and to provide equitable and competitive compensation based on position classification, performance, and market analysis.

## **I. Pay Classifications**

- A) Each position that is not a contract position or covered under an employment agreement shall be assigned to a pay classification. Pay classifications shall specify an entry and maximum level, hourly and bi-weekly wage or salary, within each pay grade.
- B) Employees may be hired for positions at a higher pay than entry-level pay, based on qualifications and job related experience, at the discretion of the Department Director and the Director of Human Resources.
- C) The City Council as part of its annual budget process will consider the allocation of funds for pay classification adjustments and pay for performance increases. Pay classifications may be amended, as circumstances require, through submission of suggested changes to the Human Resources Director and approval by the City Manager.

## **II. Incentive Pay**

- A) Employees who meet certain departmental criteria may be eligible for incentive pay for skills learned and education acquired.
- B) Incentive pay available to employees will be listed on the City's adopted pay scale or departmental step plan.
- C) Bilingual Pay
  - (1) Eligibility
    - (a) Bilingual pay will be available to a limited number of employees who are proficient in English and Spanish. To be eligible for bilingual pay, employees must be in a position in which they use their bilingual skills in the normal course and scope of their employment with the City. Eligible positions will be determined by the Department Director and approved by the City Manager.
    - (b) Eligible employees must successfully pass an established bilingual test conducted by a professional consultant or organization selected by the Human Resources Department. Tests shall reflect the types of bilingual communication in which the employee would normally be required to engage during the course and scope of duty.
      - 1. Bilingual testing as described above will be coordinated through the Human Resources Department.
      - 2. Employees passing the proficiency test may be required to be reassessed. Employees who do not pass the authorized proficiency test may retest at their own expense.

Title: PAY CLASSIFICATIONS AND JOB DESCRIPTIONS	REFERENCE NO. 3.05 PAGE NO. 2 of 2
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(2) Bilingual Employee Responsibilities

- (a) All employees accepting bilingual pay will be required to utilize their bilingual communication skills when requested during the course and scope of their duties and also when called upon by other departments or divisions.
- (b) Employees who fail to utilize their bilingual skills when required may be deemed ineligible to receive bilingual pay.

**III. Job Descriptions**

A) Each position shall have a job description. All job descriptions will list the following:

- (1) Job Title, Department/Division, Pay Class/FLSA Designation, and Salary Range as provided from the Pay Classification Plan
  - (2) Definition of Job
  - (3) Supervision Received and Exercised
  - (4) Examples of Duties including
    - (a) Essential Functions
    - (b) Additional Duties
  - (5) Qualifications including
    - (a) Knowledge
    - (b) Ability
    - (c) Education and Training Guidelines
  - (6) Physical Demands
  - (7) Work Environment
- B) Requests for new positions, reclassification, or changes to existing job descriptions will be made to the Human Resources Department. All suggested job descriptions will be reviewed, and upon approval, will be effective the first day of the fiscal year unless otherwise authorized by the City Manager.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.06 PAGE NO. 1 of 1
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: EMPLOYEE DEVELOPMENT AND TRAINING	LAST REVISION DATE:

It is the philosophy of the City of Gainesville to support employee training and development opportunities that will prepare employees for increased responsibilities and enhance individual growth, promotion and development.

**I. Human Resources Department**

As resources allow, the Human Resources Department will cooperate with department directors and division supervisors in developing training programs. Records of employee attendance, participation, and training completion at City-sponsored programs will be maintained in the Human Resources Department. Departments are to submit records of employee training for other types of training programs the employee has completed to the Human Resources Department. This information can then be included in the employee's official file.

**II. Department Directors/Supervisors**

- A) It is the responsibility of the employee's immediate supervisor to provide, or see that the employee receives, department orientation and job training.
- B) It is the responsibility of Supervisors to respond to employee inquiries regarding City and department policies, procedures and guidelines.
- C) Department directors'/supervisors' efforts to facilitate leadership development in their subordinates are endorsed by the Human Resources Department. In addition, directors and supervisors are encouraged to indicate to the Human Resources Department the training needs of their departments or divisions.
- D) Supervisors are responsible for the enrollment, attendance and documentation of their subordinates in training programs.

**III. Notification and Attendance**

- A) Employee participation in training programs, sessions and/or seminars must be approved by his/her supervisor. Notification of training sessions should be given far enough in advance to allow adequate time for adjustment of the employees' scheduled job duties.
- B) When all eligible employees in one department or division are unable to attend training, every effort should be made to provide sessions on a rotating system to facilitate participation.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.07 PAGE NO. 1 of 1
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: IN-HOUSE ADVANCEMENT	LAST REVISION DATE:

The purpose of the City of Gainesville's in-house advancement policy is to make every effort to fill job vacancies through in-house advancement, or promotion, of qualified employees to vacant positions within the City. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

**I. Consideration**

- A) Employees must have completed the six-month probationary period to be eligible for in-house advancement, unless otherwise approved by the Department Director and the Human Resources Director.
- B) The decision for an in-house advancement will be based on the quality of each applicant's prior performance on the job as well as the qualifications for the new position. Other areas to be considered are conduct, disciplinary history, education, records of progression, completion of training or developmental assignments, awards, letters of commendation, and details of leadership experiences where appropriate.

**II. Salary Increase**

Generally, when an employee is promoted through in-house advancement to a position with a higher pay classification, the employee will receive an increase to the minimum salary of the new position, or receive a promotional increase of five percent (5%) over the employee's present salary, whichever is higher, to recognize the employee's experience and acceptance of a more demanding position.

**III. Anniversary Date and Probationary Period**

- A) An employee who does not work under a departmental step plan and who is promoted through in-house advancement to a higher position with a higher pay classification will be given a new anniversary date and be required to complete a six-month probationary period in accordance with the Probationary Period Policy (Reference No. 3.02).
- B) Should a promoted employee not successfully complete the probationary period, the employee may be eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.08 PAGE NO. 1 of 3
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: TRANSFERS	LAST REVISION DATE:

Transfers will be allowed within a division or from one division or department to another when they are in the best interest of the City and/or employee.

Transfers may be used to allow employees to move to positions with greater career potential, to change career fields, to move to a position for which the employee is more suitably qualified, to vary work location or conditions, to accommodate shifts in work loads across City departments, for disciplinary reasons, or other administrative reasons. In order for any employee to transfer, there must be a vacant position and the employee must meet all job requirements.

## **I. Purposes of Employee Transfers**

### **A) Voluntary Transfer (employee initiated)**

- (1) Generally, a voluntary transfer is initiated by an employee through request or by applying for an open position.
- (2) Employees must have completed the six-month probationary period to be eligible to transfer, unless approved by the Department Director and the Director of Human Resources.
- (3) If the position has been posted or advertised, the employee must also complete all application, interviewing and other requirements in the job announcement.
- (4) The transferring employee must give at least two weeks notice to the releasing department prior to transfer. The releasing supervisor may waive this requirement.

### **B) Involuntary Transfer (supervisor initiated)**

- (1) In certain circumstances, a department director or supervisor may deem it necessary to place an employee in a position better suited to the employee's abilities.
- (2) Any salary changes will be determined by the Department Director and the Director of Human Resources and approved by the City Manager.

### **C) Administrative Transfer (reassignment, reorganization)**

- (1) In certain circumstances, administrative transfer, or reassignment, may be used for re-organization purposes. The Director of Human Resources must approve the transfer in advance.
- (2) Normally, administrative transfers will not result in a change of salary for the affected employee(s). Any salary changes will be determined by the Department Director and the Director of Human Resources.

Title: TRANSFERS	REFERENCE NO. 3.08
	PAGE NO. 2 of 3

## II. Forms of Transfers

### A) Lateral Transfer

When an employee transfers to another position in the same pay classification, this is considered a lateral transfer and may be a result of a voluntary transfer, involuntary transfer or administrative transfer. In most cases of lateral transfers, the employee's rate of pay will remain the same. However, under certain circumstances a supervisor may make recommendations to adjust the employee's rate of pay based on qualifications for the job. These considerations include experience, education, current market conditions, salary of the candidate, difficulty in recruiting qualified candidates, necessity of position to service delivery, incentive, or to match current salary of employee(s) in same or similar positions within the department/division.

### B) Transfer to a Lower Position (Demotion)

When an employee transfers to another position in a lower pay classification, this is considered a demotion and may be a result of a voluntary transfer, involuntary transfer, or administrative transfer.

#### (1) Voluntary Demotion

- (a) If an employee elects to accept a position in a lower classification, this is considered a voluntary demotion.
- (b) Voluntary demotion may be requested by an employee. Unless the employee has applied for the lower position through the application process, a request for voluntary demotion must be made by the employee in writing, approved by the Department Director and the Director of Human Resources. The request should include the date, reasons for the request, signature of the employee, signatures of the Department Director and Director of Human Resources. Voluntary Demotion must be in the best interest of the City and the specific department(s) involved before approval will be granted.
- (c) The rate of pay for voluntary demotions will be determined by the Department Director and the Director of Human Resources and will be consistent with the pay range for the lower classification. Demoted employees are eligible for performance increases at the time of review in the new position.
- (d) A voluntary demotion will not require the employee to serve a six-month probationary period.

#### (2) Involuntary Demotion for failure to satisfy requirements and performance standards

- (a) An involuntary transfer may be deemed necessary by a department director or supervisor when an employee fails to satisfy the requirements and performance standards established for a position but is able to function productively in another capacity. Demotion is not generally used as a disciplinary measure, but rather as a technique to place employees unable to perform duties of the position in one better suited to their abilities.

Title: TRANSFERS	REFERENCE NO. 3.08 PAGE NO. 3 of 3
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- (b) Demotion should not be considered unless the employee has been informed of, and understands, those standards established for the position and has been counseled and given sufficient time to correct any existing deficiencies. Demotions will be accomplished after careful and thorough review of an employee's qualifications, work history, and documented performance appraisals.
- (c) The rate of pay for voluntary demotions will be determined by the Department Director and the Director of Human Resources and approved by the City Manager, and will be consistent with the pay range for the lower classification. Demoted employees are eligible for performance increases at the time of review in the new position.
- (d) In the case of an involuntary demotion, the employee will serve a six-month probationary period for the new position.

C) Transfer to a Higher Position (promotion)

[See In-House Advancement Policy (Reference No. 3.07)]

**III. Benefits**

Regular full-time employees who transfer from one position to another and remain regular full-time employees shall continue to accrue benefits without interruption. Benefits will be adjusted appropriately if a change of status occurs.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.09 PAGE NO. 1 of 2
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: EMPLOYEE RECORDS	LAST REVISION DATE: 06/01/2013

It is the policy of the City of Gainesville that an effective system for keeping records on job applicants, current employees, and former employees is essential to the proper functioning of the Human Resources Department. The City strongly believes, however, in respect for the rights and dignity of each employee, and the City pledges to conduct its business in such a way that the privacy of all its employees is protected within the guidelines of federal and state regulations.

The Human Resources Department shall maintain the official personnel file of each employee. Employee files maintained at the department level shall contain only pertinent information related to the employee and the employee's performance for assessment and evaluation purposes. Under no circumstances should confidential information, other than personal information listed on Personnel Action Forms, be kept in department files.

**I. Personal Information**

- A) The City shall request, use and retain only personal information concerning employees that is required for business or legal reasons.
- B) All information about employees in either personnel or supervisory files will be kept confidential to the extent possible and will be disclosed within the City only for legitimate business reasons, including to supervisory personnel who are considering the employee for promotion, transfer, demotion, termination, or other personnel action.

**II. Confidentiality of Medical Information**

- A) Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.
- B) Examples of information that may be provided to the City by an employee's health care provider, and maintained in the confidential medical file, include:
  - a note to justify an absence,
  - a note to request a leave,
  - a note to verify the employee's ability to return to work,
  - medical records to support a claim for sick pay,
  - insurance records; and
  - accident/incident reporting/workers' compensation records.
- C) It is important that the employee understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to his/her supervisor, co-workers, or anyone other than the Director of Human Resources. When an employee provides information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis to other members of management.
- D) In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

Title: EMPLOYEE RECORDS	REFERENCE NO. 3.09 PAGE NO. 2 of 2
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### **III. Employee Inspection**

- A) Any employee may inspect his/her personnel file. Employees desiring to inspect their personnel files should contact the Human Resources Department to establish a convenient time for this review. The employee may review the files and may take notes or request single copies of each page. No employee is allowed to alter or remove anything from any personnel file. An employee may request correction of inaccurate information.
- B) Routine statistical data corrections will be made as requested. Disciplinary action disagreements should be made note of at the time the action is taken and the established appeals procedure followed. Performance evaluation disagreements should be made note of at the time of the performance review. Written documentation submitted as a part of an appeals procedure shall be reviewed by the Director of Human Resources and may become a portion of the employee's file.

### **IV. Requests for Personnel Information**

- A) All requests for information, written or verbal, from persons outside the City concerning job applicants and/or current, retired, or terminated employees must be referred to the Human Resources Department. Such requests may include, but not be limited to:
  - Verification of employment for loan and/or credit application.
  - Verification of employment status.
  - Salary verification or information.
  - Verification of work and/or attendance records.
  - Prior work history.
- B) Without a signed release, the Human Resources Department will release only the dates of employment, position held, type of separation, eligibility for rehire status and verify final salary.
- C) No other department or person is authorized to release such information without the prior authorization of the Director of Human Resources.

### **V. Updating Personnel Records.**

- A) In order to keep personnel records up to date, employees are required to notify their department or the Human Resources Department of a status change (changes in name, address, telephone number, marital status, etc.) within 72 hours of any such change.
- B) Employees should contact the Human Resources Department for changes in beneficiary designations, IRS W-4 Forms, health insurance coverage changes (changes must be made during open enrollment period or within 30 days of a qualifying event).

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 3.10 PAGE NO. 1 of 2
Chapter 3: EMPLOYEE DEVELOPMENT, PERSONNEL ACTIONS & RECORDS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: SEPARATION OF EMPLOYMENT	LAST REVISION DATE: 10/31/2011

It is the policy of the City of Gainesville to request advance written notice of an impending voluntary separation from all positions of employment within the City organization. Minimum notice is necessary in order to expedite employee out-processing and ensure a smooth transition without adversely affecting department efficiency.

**I. The City designates all employee separations as one of the following types:**

A) Resignation

An employee who intends to resign is requested to notify his/her supervisor and/or the Director of Human Resources in writing. (See Section II. Notice Requirements.) The supervisor is responsible for immediately notifying the Director of Human Resources.

B) Retirement

An employee who intends to retire must notify his/her Department Director, supervisor and the Director of Human Resources, in writing, 30 days prior to the date of retirement. This 30-day requirement is necessary to ensure that the required paperwork is timely submitted to Texas Municipal Retirement System (TMRS).

C) Dismissal/Termination

1) The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails probation. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance or conduct and/or violation of City policies and procedures, are not eligible for rehire.

2) Dismissal may also occur for the following:

(a) Job Abandonment. If an employee fails to properly notify the City of his/her absence from work or if any employee is absent without authorization and/or notification for a period of one working day or shift, the City will normally consider the employee to have abandoned his/her employment, and he/she will be terminated.

(b) Long-Term Absence. Any employee who is absent from work for more than 120 calendar days will be terminated, except as provided below. Brief appearances at work during an overall absence of 120 days will not prevent the City from terminating an employee if determined to be in the City's best interest. The City may elect to end the employee's employment before the expiration of 120 days. An employee who has a paid leave balance of accrued vacation and/or compensatory time remaining at the end of 120 days may, at the City's option, extend his/her leave using any available paid leave balance, or be terminated and paid for accrued leave balances.

Employees who require long-term absences for medical reasons will not be automatically terminated. The duration of medical leave will be determined on a case-by-case basis. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA).

Title: SEPARATION OF EMPLOYMENT	REFERENCE NO. 3.10 PAGE NO. 2 of 2
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D) Reduction-in-Force/Reorganization

An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

E) Death

If a City employee dies, his/her designated beneficiary or estate will be paid all earned pay and payable benefits.

**II. Notice Requirements**

- A) Department Directors and other top executives are requested to give twenty (20) working days advance written notice of separation.
- B) Department Mid-Managers (Superintendents, Supervisors, etc.) are requested to give fifteen (15) working days advance written notice of separation.
- C) All other employees are requested to give ten (10) working days advance written notice of separation.
- D) Failure of an employee to provide the minimum notice requested means the employee will likely not be eligible for rehire.

**III. Out-processing**

- A) A Personnel Action Form and an Out-Processing Checklist form must be completed by the employee's supervisor and forwarded to the Human Resources Department before the final paycheck can be processed.
- B) Replacement costs of unreturned employee issued items or other monetary obligations to the City will be assessed upon termination.
- C) Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation.

**IV. Exit Interview**

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Exit Interviews are conducted confidentially by the Director of Human Resources (or designee). Information discussed during the exit interview may be shared with the City Manager and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Director of Human Resources of all separations, arranging for the exit interview and providing documentation of receipt of all department and/or City property from the exiting employee.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.01 PAGE NO. 1 of 1
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: MEDICAL AND LIFE BENEFITS/CONTINUATION OF COVERAGE	LAST REVISION DATE: 06/01/2013

**I. Medical and Life Benefits**

- A) The City furnishes medical coverage and life and accidental death and dismemberment insurance to eligible employees. Coverage is effective after thirty days of employment for eligible employees. For details of coverage, see Employee Benefits Summary provided by the Human Resources Department.
- B) Additional supplemental insurance coverage for employees and members of their families, beyond those amounts provided by the City, may be available at the employee's expense.
- C) The City also carries a workers' compensation insurance policy. In cases of job related injuries, provisions and benefits available under workers' compensation are activated. (See Workers' Compensation Policy, Reference No. 4.06.)

**II. Group Health Continuation of Coverage**

- A) COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation of coverage, plus a small administration fee.
- B) Under COBRA, employees may elect COBRA continuation of coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.
- C) Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resources office.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.01a PAGE NO. 1 of 2
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 11/02/2016
Title: AFFORDABLE CARE ACT/IDENTIFYING FULL-TIME EMPLOYEES	LAST REVISION DATE:

To be eligible for medical (health plan) coverage with the City, you must be classified as a regular full-time or regular part-time employee who regularly works at least 1,000 hours in a year. The Affordable Care Act (ACA) requires the City to offer affordable, minimum value health coverage to their full-time employees and defines a full-time employee as an employee who is employed, on average, 30 hours per week or 130 hours per month. This means employees classified as part-time or temporary/seasonal may be eligible for benefits if their work hours average of 30 hours per week or 130 hours per month.

### **Measurement Method**

As of the effective date of this policy, the City uses the look-back measurement method for all employees to determine who is a full-time employee for purposes of medical (health plan) coverage. To utilize this method, the City has established the following:

- **Standard Measurement Period (SMP)** is a period of time used for counting hours of service. The SMP's for the City are January through June (SMP 1) and July through December (SMP 2).
- **Administrative Period** is a period of time that allows for the enrollment and disenrollment of employees in the City's health insurance plan. The administrative periods for the City are July through September (following SMP 1) and January through March (following SMP 2).
- **Stability Period** is a period when coverage needs to be provided due to their status as a full-time employee as revealed by the City's look-back measurement. The stability periods for the City are October through March (following SMP 1) and April through September (following SMP 2)

STANDARD MEASUREMENT PERIOD (SMP)	ADMINISTRATIVE PERIOD	STABILITY PERIOD
January through June (SMP 1)	July through September	October through March
July through December (SMP 2)	January through March	April through September

### **Hours of Service**

To determine an employee's hours of service both working hours and non-working hours must be counted. *Working hours* are those for which an employee is paid, or entitled to payment, for the performance of duties for the City. *Non-working hours* are those for which an employee is paid, or entitled to payment, for a period of time during which no duties are performed due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military leave or leave of absence.

### **Calculation Method**

For employees paid on an hourly basis, the City will calculate hours of service from records of hours worked (working hours) and hours paid (non-working hours).

### **Ongoing Employees**

An ongoing employee is one who has been employed for at least one complete SMP. If an ongoing employee worked an average of at least 30 hours per week during any SMP, the City will allow that employee to enroll in the City's medical (health plan) coverage for the corresponding stability period.

Title: AFFORDABLE CARE ACT/IDENTIFYING FULL-TIME EMPLOYEES	REFERENCE NO. 4.01a PAGE NO. 2 of 2
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**Part-Time and Temporary/Seasonal Time Worked Audits**

The City Human Resources Department will be responsible for auditing hours worked during SMP 1 and SMP 2 for employees who are classified as part-time or temporary/seasonal. A summary worksheet will be prepared showing total hours worked along with bi-weekly (pay period) and monthly averages worked. The spreadsheet will be supported with reports generated by the City’s payroll software. The completed audit will be reviewed by the Human Resources Director.

The audit be completed and reviewed no later than the end of the first month following the end of the SMP. If an audit reveals that an employee who has been classified is part-time or temporary/seasonal should be considered full-time for the purposes of medical (health plan) coverage, the Human Resources Department will notify the employee in writing of their eligibility to enroll in medical coverage provided to regular full-time and part-time employees who regularly work 1,000 hours in a year. Unless the medical coverage is declined by the employee, the Human Resources Department will ensure that the employee in enrolled in the City’s medical coverage for the appropriate stability period.

**New Employees Expected to Work Full-Time or Part-Time and 1,000 hours in a year**

For a new employee who is reasonably expected at his or her start date to be a regular full-time employee or a regular part-time employee working 1,000 or more hours in a year, the City will treat them as a full-time employee on the date of their employment. New employees will be considered to be ongoing employees after they have been employed for one complete SMP.

**New Variable Hour, Part-Time and Temporary/Seasonal Employees**

The City will determine whether new variable hour employees, part-time and temporary/seasonable employees, are considered full-time employees under the ACA definition by measuring their hours of service during an initial measurement period (IMP). The IMP will begin on the first day of the first calendar month following the employee’s start date and will be 6 months in duration. The IMP will be immediately followed by an administrative period lasting 3 months. A stability period lasting 6 months will immediately follow the administrative period.

A listing of employees will be updated as new personnel are hired who fall into this category. The Human Resources Department will be responsible for updating this listing and scheduling audits of the new employee’s time worked at the end of their IMP.

Once a variable hour employee has been employed for an entire SMP, the employee will be tested for full-time status beginning with that SMP, at the same time and under the same conditions as other ongoing employees.

Special rules apply when employees are rehired by the City or return from an unpaid leave.

The rules for the look-back measurement method are very complex. Keep in mind that this is just a general overview of how the rules work. More complex rules may apply to an employee’s situation. The City intends to follow the IRS final regulations (including any future guidance by the IRS) when administering the look-back measurement method. If you have any questions about this measurement method and how it applies to you, please contact the Human Resources Department.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.02 PAGE NO. 1 of 1
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: RETIREMENT	LAST REVISION DATE:

I. **Texas Municipal Retirement System (TMRS).** The City of Gainesville participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees.

A) Eligibility for Enrollment

At the time of employment, all eligible employees are enrolled in TMRS. Participation by every regular full-time employee and regular part-time employees who work more than 1000 hours in a year is a condition of employment.

B) Contributions

Contribution rates and other policies of the City's TMRS Plan are determined by the City Council and are subject to change.

Currently, the employee contributes 5% of their earnings each pay period. The contributions are tax deferred and made through payroll deduction. The City matches employee contributions at a rate of one-and-one-half to one.

D) Benefits at Retirement

- 1) Generally, employees may retire after 340 months (20 years) of TMRS service credit, regardless of age. Military Service or previous government employment may contribute service credit toward earlier retirement.
- 2) TMRS benefits will be based on years of service, salary, the employee and City contributions to the account, and the retirement option selected.
- 3) Employees must contact the Human Resources Department at least thirty (30) days before the planned retirement date to allow for completion of necessary paperwork.

For additional information, employees may consult the TMRS Benefits Guide available online at <http://www.trms.org> or contact the Human Resources Department.

II. **Federal Social Security and Medicare Programs**

The City of Gainesville participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched by the City for these benefits. Participation by every employee is a condition of employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.03 PAGE NO. 1 of 1
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: BURIAL BENEFIT	LAST REVISION DATE:

It is the policy of the City of Gainesville to provide a death benefit for employees and retirees for their service.

All regular full-time employees and retirees retiring in accordance with the 20-year any age retirement may receive upon death, interment at Fairview Cemetery with no charge for the opening and closing of the grave site. Active employees or retirees and their survivors will, however, be required to pay the cost of acquiring the burial plot prior to interment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.04 PAGE NO. 1 of 2
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: TUITION REIMBURSEMENT	LAST REVISION DATE:

It is the policy of the City of Gainesville to provide quality services for its citizens by encouraging upward mobility, employee development, and excellence of performance by sharing the expense of approved courses and educational programs. Tuition reimbursement assists employees in broadening their knowledge of their current position or preparing them for possible assumption of new job responsibilities within the City.

Tuition reimbursement is an expense to the City, and as such, must be budgeted. The City is not obligated to agree to pay tuition reimbursement if the budget does not allow for the expense. The following policy and procedures will apply only as the budget allows.

**I. Eligible Employees**

To be considered for participation in the tuition reimbursement program, an individual must be a regular full-time employee and have successfully completed at least six months of service with the City prior to application approval.

**II. Terms of Tuition Reimbursement**

- A) Courses offered by accredited colleges, universities, or trade schools are eligible for tuition reimbursement if they are:
  - (1) Required by a degree plan which is related to a City career field,
  - (2) Required by a trade school course of study which is related to a City career field; or,
  - (3) Related to a City career field as determined by the Director of the Human Resources Department (or designee).
- B) Reimbursement is limited to two courses per semester (totaling no more than eight credit hours each semester).
- C) As a condition of reimbursement, participants must earn a grade of “C” or above in undergraduate level courses, “B” or above in graduate level courses, and “Pass” in Pass/Fail courses. For those courses for which grades are not assigned, a certificate of completion will serve as proof of course completion.
- D) Reimbursement for thesis or dissertation will be paid when the participant submits an official grade report or transcript that records a passing grade. Reimbursement will be paid for the required number of credit hours (six for thesis and twelve for dissertation) regardless of the actual number of hours taken.
- E) Mandatory fees may be reimbursed as part of the tuition rate charges.
- F) The City will reimburse up to a maximum of \$200.00 for books per semester. Receipts will be supplied with the Check Request. Supplies, or other expenses in connection with courses to be taken are not eligible for reimbursement. Fire Department employees working on a Fire Science Degree when the State reimburses tuition are eligible for book reimbursement.

Title: TUITION REIMBURSEMENT	REFERENCE NO. 4.04 PAGE NO. 2 of 2
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- G) Seminars, conferences, and courses unrelated to a City career field are ineligible for tuition reimbursement. Approval for reimbursement for seminars and conferences is subject to departmental training budgets. Non-credit continuing education courses containing the same or similar information as received in previous courses (repeat courses) as well as credit obtained under the College Level Examination Program (CLEP) are not eligible for tuition reimbursement.
- H) Tuition reimbursement will be paid only once for each approved course. The City will not pay tuition reimbursement for courses for which tuition reimbursement has already been received by the employee.
- I) Correspondence courses, on-line courses, and technical training courses must be approved by the Department Director prior to registration. Participants wishing to receive reimbursement for such must provide official scholastic accreditation documentation and an official description of the course(s) or training to the Department Director prior to registration.
- J) The City will not pay the cost of tuition which has been or shall be paid from other sources such as scholarships, grants, Veterans' benefits, or other subsidies. In the event of partial scholarship or grant, reimbursement will be calculated based on the actual expense to the employee.
- K) Tuition reimbursement will not be granted for audited courses.

### **III. Application and Reimbursement Process**

- A) To begin participation in the Tuition Reimbursement program, employees must obtain and submit the Tuition Reimbursement Agreement Form to the Department Director. For budgetary purposes, employees are to submit, in May of each year, an educational request. If the employee cannot submit an educational request it will be at the Department Director's discretion and dependent on budget limitations.
- B) Participants will pay all costs according to the parameters of their educational institution. Within 21 days of the end of the school term, participants will submit copies of the following to the Department Director for reimbursement approval:
  - (1) An itemized statement of tuition and fees,
  - (2) Proof of payment, and
  - (3) An official grade report or transcript.
- C) Participants will be reimbursed based upon the actual fee schedule of the school they attend unless the fee schedule exceeds that of the University of North Texas (UNT) or Texas Woman's University (TWU), in which case the reimbursement will be calculated at the equivalent rate of UNT or TWU (whichever is greater). Reimbursement requests submitted after the deadline will be denied unless prior permission is granted by the Department Director.

### **IV. Termination**

If an employee resigns or is terminated for any reason prior to course completion, the City shall not be obligated to reimburse any part of the expense. An employee who resigns or is terminated less than two years after completion of a reimbursed course must reimburse the City for all amounts paid to the employee under this policy upon separation. Employees terminated due to a reduction in force shall not be required to reimburse the monies.



# EDUCATIONAL REQUEST AND TUITION REIMBURSEMENT AGREEMENT

*City of Gainesville Personnel Policies and Procedures Manual, Reference No. 4.04*

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Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

List Accredited College, University or Trade School

Name: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Course(s)

Course Name: \_\_\_\_\_ Credit Hours: \_\_\_\_\_

Course Name: \_\_\_\_\_ Credit Hours: \_\_\_\_\_

Dates of Course(s): \_\_\_\_\_

Time of Class(es): \_\_\_\_\_

Course(s) Completion Date: \_\_\_\_\_

I have read and understand the City of Gainesville's Policy regarding tuition reimbursement and agree that this request and agreement is in compliance with the terms and conditions contained therein.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Department Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by Human Resources (Signature)

\_\_\_\_\_  
Date

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.05 PAGE NO. 1 of 1
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: EMPLOYEE ASSISTANCE PROGRAM (EAP)	LAST REVISION DATE:

The City of Gainesville's Employee Assistance Program (EAP) is available to provide assistance to employees who may be experiencing personal or family problems with alcohol or drug abuse, financial burdens, marital or other family problems. All employees who feel they may have an alcohol or drug problem are encouraged to utilize the program's resources before the problem adversely affects their job performance or employment status. Participation in this program is typically voluntary and confidential. However, a supervisor may make a mandatory or formal referral when some aspect of an employee's personal life negatively affects his/her performance on the job.

**I. Participation**

Employees may use EAP at their own initiation and without contact with supervisors or the Human Resources Department.

**II. Mandatory or Formal Referral**

A supervisor may make a mandatory or formal referral when some aspect of an employee's personal life appears to be negatively affecting his/her performance on the job. In such cases, the supervisor will contact the Human Resources Department for the appropriate form to submit to the EAP provider.

**III. Confidentiality**

Employees and/or dependents seeking assistance through the Employee Assistance Program are assured that reasonable efforts will be made to provide the services within strict principles of confidentiality.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.06 PAGE NO. 1 of 3
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: WORKERS' COMPENSATION	LAST REVISION DATE:

The City of Gainesville complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. This program covers an injury or illness sustained in the course of employment that requires medical treatment, subject to applicable legal requirements and workers' compensation guidelines. Workers' compensation insurance coverage begins immediately upon employment with the City.

## **I. General Rules**

- A) When an employee is injured within the course and scope of his/her employment with the City of Gainesville, he/she may be eligible for Workers' Compensation payments pursuant to State law. Workers' Compensation pays for:
- (1) Reasonably required and necessary medical treatment;
  - (2) A statutory amount of weekly benefits in lieu of salary for inability to work due to the injury or illness;
  - (3) Additional monetary benefits for permanent disability suffered as a result of the injury or illness; and
  - (4) Death benefits.
- B) Workers' Compensation entitlements are subject to being denied or discontinued if:
- (1) The injury occurred while the employee was in a state of intoxication or under the influence of illegal drugs;
  - (2) The injury was caused by the employee's willful intention and attempt to injure him or herself or to unlawfully injure another person;
  - (3) The employee's horseplay was the producing cause of the injury;
  - (4) The injury arose out of an act of a third person intending to injure the employee because of personal reasons and not directed at the employee as an employee or because of the employment;
  - (5) The injury arose out of voluntary participation in an off-duty recreational, social, or athletic activity not constituting part of the employee's work-related duties, except where these activities are a reasonable expectancy of or are expressly or impliedly required within the scope of the employee's job duties.
- C) Employees who sustain work-related injuries or illnesses must inform their supervisor immediately, but in no circumstance, later than 24 hours and complete an Employee's Accident/Incident Report Form. Failure to report work-related injuries or illnesses in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or may delay benefit payments.
- D) Supervisors must complete a Supervisor's Accident/Injury Report form and forward to the Human Resources Department within 24 hours.

Title:	WORKERS' COMPENSATION	REFERENCE NO.	4.06
		PAGE NO.	2 of 3

E) Right to Select a Doctor

(1) Political Subdivision Worker's Compensation Alliance (the Alliance)

Employees must choose a treating doctor from the Alliance list of doctors designated as treating doctors. Employees must go to their treating doctor for all health care for their work-related injury. If a specialist is needed, the treating doctor will make a referral. If emergency care is needed, employees may seek emergency treatment.

(2) The injured employee is entitled to his/her initial choice of a doctor. An initial choice of a doctor made by the employer (i.e. City Physician) or medical treatment provided to an injured employee in an emergency situation does not constitute the employee's choice for purposes of this section.

(3) If an employee is dissatisfied with his/her choice of doctor, the employee may notify the Workers' Compensation Carrier and request authority to select an alternate doctor.

F) The Human Resources Department will be responsible for the overall supervision and coordination of workers' compensation benefits.

G) Employees receiving workers' compensation benefits shall not engage in any outside employment whatsoever without the written approval of the Department Director and filed in the Human Resources Department. Employees who violate this provision shall be subject to termination.

H) Employees who are able to perform restricted or light duty assignments as determined by the treating physician will be required to do so if a suitable job activity is available. (See Light Duty Assignments Policy, Reference No. 4.07.)

**II. Income Benefits and Employment Status**

A) Temporary Income Benefits

Temporary Income Benefits will be paid weekly by the City's Workers' Compensation carrier beginning on the eight (8<sup>th</sup>) day of lost time due to the work-related injury or illness and will continue while the employee is off of work as prescribed by State Law. Temporary Income Benefits are paid at the rate of approximately 70% of the injured employee's average weekly wage.

B) Other Income

(1) In addition to the benefits prescribed by State Law as described above, the City of Gainesville will pay for the first seven (7) days of disability (the "waiting period" before WC benefits begin) for time missed from work due to the work-related injury or illness at the current employee's wage. If the employee is later retroactively paid by the Carrier for the waiting period, the employee shall forward this overpayment to the City by delivering the payment to the Human Resources Department. The employee will have two (2) weeks from receipt of the check from the Carrier to repay the City. A repayment payroll deduction schedule will be set up by the Human Resources Department in the event the employee fails to make the repayment.

Title: WORKERS' COMPENSATION	REFERENCE NO. 4.06 PAGE NO. 3 of 3
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- (2) In an effort to make up the difference between workers' compensation payments (70% of the employee's average weekly wage) and the employee's base take home pay, excluding overtime, the city will allow employees who must miss work because of work-related injury or illness to use benefit hours (accrued sick, vacation or compensatory time) to make up the other 30% of their pay. Employees will be required to complete a Workers' Compensation Election to Use Benefit Hours Agreement form provided by the Human Resources Department.
  
- C) Employees who do not elect to use benefit hours, or whose payroll check is less than their payroll deductions, are responsible for paying insurance premiums for their dependents and any other payroll deductions by means other than their payroll. It is the employee's responsibility to make the appropriate arrangements.
  
- D) When an employee has returned to work but requires additional medical follow-up, such as therapy or office visits, that require less than a full day absence, the City will pay for the hour(s) the employee is absent. These hours will be shown on the employee's timecard as "WC."
  
- E) Employees who are absent from work due to an on-the-job injury shall continue to accrue vacation and sick leave at regular rates, and maintain all other benefits allocated with their employment provided the absence is necessary and prescribed in writing by a physician.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.07 PAGE NO. 1 of 1
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: LIGHT DUTY ASSIGNMENTS	LAST REVISION DATE: 08/25/2009

The City of Gainesville may make light duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a light duty assignment is made in the City's sole discretion. A light duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of light duty; the risk that a light duty assignment may result in aggravation of the employee's injury or illness; the type of light duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making light duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a light duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of his/her medical release while on a light duty assignment may lose the light duty assignment and, in addition, may be disciplined up to and including termination of employment.

Light duty will not extend beyond sixty (60) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Director of Human Resources to the City Manager. Only the City Manager may approve an extension of a light duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days must re-qualify for light duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) leave or vacation benefits, if available.

An employee who is released for and offered light duty by the City, but who elects not to accept such an assignment, will normally be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's FMLA policy.

During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their light duty assignment.

An employee's salary during any light duty assignment shall be at the same rate as the salary received prior to the injury.

All light duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether light duty work will be offered. Before returning to regular job duties following a light duty assignment, the employee must coordinate his/her return through the Director of Human Resources.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 4.08 PAGE NO. 1 of 1
Chapter 4: EMPLOYEE BENEFITS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: REQUESTS FOR ACCOMMODATION	LAST REVISION DATE:

**I. Disability**

The City of Gainesville will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City. All requests for accommodation must be in writing and directed to the Director of Human Resources.

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 reasonable accommodation, must immediately report such complaint as outlined in the City's Sexual and Other Unlawful Harassment Policy (Reference No. 7.09).

**II. Religion**

The City will provide reasonable accommodation to the sincerely held religious beliefs of its employees provided it does not impose an undue hardship on the City. All requests for accommodation must be in writing and directed to the Director of Human Resources.

CITY OF GAINESVILLE PERSONNEL POLIICES AND PROCEDURES MANUAL	REFERENCE NO. 5.01 PAGE NO. 1 of 2
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: HOLIDAYS	LAST REVISION DATE: 08/25/2009

The City provides paid holidays to probationary, regular full-time and regular part-time employees. The following official holidays will be observed:

New Year's Day  
Martin Luther King, Jr. Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day\*  
Veteran's Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Day

*\*In compliance with the Texas Local Government Code section 142.0013, covered fire fighters shall receive a holiday designated as September 11<sup>th</sup> in lieu of Labor Day.*

**I. Holidays**

A holiday shall be defined as a period of eight (8) hours at straight rates for regular full-time employees and four (4) hours at straight rates for regular part-time employees who receive benefits. For employees who work on a shift, such as Fire Department shift employees who work on a 24-hour shift or Police Department shift employees who work on a 12-hour shift, a holiday will be defined according to the number of hours the employee normally works for a shift.

**II. Scheduling of Holiday**

Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday. When a holiday is observed on a day other than the actual holiday, employees who work a shift other than Monday through Friday will be paid holiday pay on the actual holiday, rather than the observed day.

**III. Eligibility for Holiday Pay**

All regular employees are eligible for holiday pay after completion of one day of work. Seasonal and temporary employees are not eligible for holiday pay and will be paid their regular rates on a holiday only if required to work.

**IV. Employees required to work on a Holiday**

All non-exempt employees who are required to work a designated holiday will be paid holiday pay in addition to the hours worked.

**V. Employees Scheduled "Off Duty" on a Holiday**

When the holiday and regular day off occur on the same day, those non-exempt employees who are scheduled off duty on that day will be entitled to regular holiday pay.

Title: HOLIDAYS	REFERENCE NO. 5.01 PAGE NO. 2 of 2
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**VI. Ineligibility for Holiday Pay**

Employees on unpaid leave are not eligible for holiday pay. Likewise, non-exempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

**VII. Separating Employees**

Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

**VIII. Holiday Occurring During Vacation Leave**

A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

**IX. Holiday Pay During Workers' Compensation Leave**

An employee on workers' compensation leave will not receive holiday pay.

**X. Other Religious Holidays**

Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

**XI. Misuse of Holidays**

Holiday pay will not be paid for the same time an employee received sick leave pay, vacation, death in the family leave pay, or any other paid leave benefit.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.02 PAGE NO. 1 of 3
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: VACATION	LAST REVISION DATE: 06/01/2013

Regular full-time employees and regular part-time employees who regularly work at least 1,000 hours in a year accrue vacation leave on a monthly basis. The intent of this vacation benefit is to provide time away from the work environment for purposes described in this policy.

**I. Accrual of Vacation Leave**

- A) The first month of vacation leave accrual for regular full-time and regular part-time employee who regularly work at least 1,000 hours in a year will be determined by the date of employment. When an employee begins service before the 16th day of the month, that month will be considered a full month. When an employee begins service after the 15th day of the month, the first full month will not be completed until the close of the next calendar month.

**EXAMPLE:**

Employment Date: May 12th  
First full month completed: end of May

Employment Date: May 20th  
First full month completed: end of June

- B) Eligible employees begin accruing vacation leave after the completion of six (6) full months of service. After the six months has been completed, a regular full-time employee will be credited with forty (40) hours of vacation leave; regular part-time employees who regularly work at least 1,000 hours in a year will be credited with twenty (20) hours of vacation leave.
- C) Part-time employees who do not regularly work 1,000 hours in a year, Temporary and Seasonal employees do not earn vacation leave.
- D) The amount of vacation leave accrued is determined by years of service as follows:
- 1) Regular full-time employees begin earning vacation leave at the following rates:

1 – 9 years	80 hours per year (2 weeks)
10 – 19 years	120 hours per year (3 weeks)
20 and over	160 hours per year (4 weeks)
  - 2) Regular part-time employees who regularly work at least 1,000 hours in a year begin earning vacation leave at the following rate:

1 – 9 years	40 hours per year
10 – 19 years	60 hours per year
20 and over	80 hours per year
  - 3) Fire Department shift employees begin earning vacation leave at the following rates:

1 – 9 years	168 hours per year (7 shifts)
10 – 19 years	240 hours per year (10 shifts)
20 and over	360 hours per year (15 shifts)

Title: VACATION	REFERENCE NO. 5.02 PAGE NO. 2 of 3
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## **II. Maximum Annual Carryover**

- A) Except for Fire Department shift employees, the maximum allowed carry-over of vacation time is 140 hours per calendar year (January through December). The maximum for Fire Department shift employees is 216 hours. Any vacation hours exceeding the maximum rates shall be purged effective January 1 of each year.
- B) An employee may accrue as many hours of vacation as possible throughout the calendar year; however, it is the employee's responsibility to ensure that their accrual is below the maximum allowable hours to carry over by December 31 of any particular year.

## **III. Use and Scheduling of Vacation Leave**

- A) Vacation may be used for time away from the work environment to pursue activities that will promote the well being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave benefit hours have been exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in quarter hour increments.
- B) The designated supervisor must approve all vacation time, giving due consideration to the needs of the service and the ability of the remaining staff to perform the work of the department or division. Employees must schedule their annual vacation leave in accordance with the Department's guidelines governing vacation scheduling and utilizing the Request for Authorized Leave form. Whenever possible, vacation time will be scheduled at the convenience of the employees. However, Department Directors or supervisors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. If taking more than one day of approved time, an employee must make the request at least three (3) working days in advance. The circumstances of individual departments or divisions may require that more advance notice be necessary in order to arrange such leave.
- C) To ensure proper payment of vacation pay, employees must make sure they have an approved Request for Leave form on file before leaving for vacation, and make arrangements for their time card to be turned in to the department.
- D) Paid vacation leave is not considered hours worked for the purposes of performing overtime calculations.
- E) Only scheduled working days taken off shall be counted as vacation days.

## **IV. Restrictions**

- A) An employee may not use any accrued vacation leave until he/she has successfully completed his/her initial employment probationary period.
- B) Employees may not "borrow" unearned vacation time.
- C) Employees shall not receive payment of vacation in lieu of taking time off.

Title: VACATION	REFERENCE NO. 5.02 PAGE NO. 3 of 3
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- D) No more than four (4) consecutive calendar weeks of vacation leave may be taken off, unless approved by the Department Director.
- E) Vacation time benefits will not be paid for the same time an employee receives sick leave pay, holiday pay, death in the family leave pay or any other paid leave benefit.

**V. Compensation for Vacation Leave**

- A) Vacation is paid at the employee's base rate at the time of the vacation leave. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked.
- B) Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave at the rate of pay the employee was receiving at the time of separation, up to a maximum of 140 hours (216 hours for Fire Department shift employees). Only employees who have successfully completed their initial probationary period of employment with the City are entitled to this payout provision upon separation.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.03 PAGE NO. 1 of 5
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: SICK LEAVE AND SICK LEAVE POOL	LAST REVISION DATE: 10/21/2015

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured or for time off for the birth or adoption of a child (maternity/paternity leave). Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their departments.

**I. Eligibility**

- A) All regular full-time and regular part-time employees who regularly work at least 1,000 hours in a year accrue sick leave on a monthly basis and are eligible to use accrued sick leave after one month of employment.
- B) An employee who is released for and offered light duty by the City, but who elects not to accept such assignment will generally be ineligible for paid sick leave benefits.

**II. Accrual of Sick Leave**

- A) All regular full-time and regular part-time employees who regularly work at least 1,000 hours in a year accrue sick leave on a monthly basis. The first month of sick leave accrual will be determined by the date of employment. When an employee begins service before the 16th day of the month, that month will be considered a full month. When an employee begins service after the 15th day of the month, the first full month will not be completed until the close of the next calendar month.

EXAMPLE:

Employment Date: May 12th

First full month completed: end of May

Employment Date: May 20th

First full month completed: end of June

- B) Sick leave is accrued for eligible employees at the rate of eight (8) hours per month for regular full-time employees and four (4) hours per month for regular part-time employees who regularly work 1,000 hours in a year. Fire shift employees accrue sick leave at a rate of twelve (12) hours per month.
- C) Part-time employees who do not regularly work 1,000 hours in a year, Temporary and Seasonal employees do not accrue sick leave.

**III. Maximum Annual Carryover**

- A) Except for Fire Department shift employees, the maximum allowed carry-over of sick leave is 720 hours per calendar year (January through December). The maximum for Fire Department shift employees is 1,080 hours per calendar year. All sick leave exceeding the maximum rates shall be purged effective January 1 of each year.  
\*\*Note: Those employees employed prior to 1990 may retain all "prior" accruals not to exceed 90 days (720 hours).

Title: SICK LEAVE AND SICK LEAVE POOL	REFERENCE NO. 5.03
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- B) An employee may accrue as many hours of sick leave as possible throughout the calendar year; however, it is the employee's responsibility to ensure that their accrual is below the maximum allowable hours to carry over by December 31 of any particular year.

**IV. Authorized Use of Sick Leave**

Sick leave may be allowed in cases of personal illness or injury that prevents an employee from working, doctor's visits, or physical incapacity of an employee, when an employee is required to attend to their spouse, minor children, or dependant who is ill or incapacitated, to attend a bona fide counseling session by a qualified counselor or for the birth or adoption of a child (maternity/paternity leave). In the case of critical illness or emergency medical situations, sick leave may also be used for immediate family (spouse, father, mother, children, brother, sister, grandchildren, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and grandparent-in-law).

**V. Minimum Increments**

Sick leave must be taken in minimum increments of one-quarter hour.

**VI. Failure to Report Absence/Abuse of Sick Leave**

Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointments as provided for in this policy, may result in immediate disciplinary action, up to and including termination or employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointments may be disqualified from using sick leave for their absences.

**VII. Other Employment During Sick Leave**

Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director and the Director of Human Resources. See Outside Employment Policy (Reference No. 2.13).

**VIII. Use of Other Leave**

- A) If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial probationary period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time.
- B) Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday.

Title: SICK LEAVE AND SICK LEAVE POOL	REFERENCE NO. 5.03 PAGE NO. 3 of 5
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- C) Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex his/her work schedule (“time management”) to attend to medical or dental appointments. This is acceptable provided that work is accurately recorded on the time card for the week or work cycle in which time management was approved. Under no circumstances can time management extend beyond the affected workweek.
- D) Sick leave will not be paid for the same time an employee received holiday pay, death in the family leave pay, vacation pay or any other paid leave benefit.

**IX. Notification and Documentation**

- A) To receive paid sick leave, an employee shall notify the supervisor or authorized representative before or within 30 minutes after the time set for beginning of work or as specified in department operating procedures.
- B) Employees requesting paid sick leave must complete a Request for Authorized Leave form and submit it to their supervisor for approval.
- C) An employee who has sick leave absence of three (3) consecutive working days or more must present medical documentation for the absence before returning to work.
- D) A supervisor may at any time require satisfactory proof of the proper use of sick leave and may disallow sick leave in the absence of such proof.
- E) It is the employee’s responsibility to contact his/her supervisor daily if absent for more than one day. Exceptions would be hospitalization, a prolonged or catastrophic illness, or a determination by the City that the absences qualify as family and medical leave (see Family and Medical Leave Policy, Reference No. 5.04).
- F) Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and that their time be charged to sick leave. A physician’s statement will be required in such instances.

**X. Misuse/Abuse of Sick Leave**

Misuse and/or abuse of sick leave will likely result in disciplinary action up to and including termination of employment.

**XI. Family and Medical Leave Act Leave**

Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.

**XII. No Payment Upon Separation**

Upon termination, resignation or other separation from employment, no payment will be made for unused sick leave.

Title: SICK LEAVE AND SICK LEAVE POOL	REFERENCE NO. 5.03 PAGE NO. 4 of 5
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### **XIII. Sick Leave Pool**

#### A) Purpose

A Sick Leave Pool has been established consisting of accrued sick leave hours donated by employees to help reduce the hardship due to a prolonged or catastrophic off-the-job illness, injury, or disease that forces an eligible employee to exhaust all accrued paid leave time for medically related reasons due to a serious health condition of self or dependent or for time off for the birth or adoption of a child as described in Section IV of this policy.

#### B) Definitions

(1) “Prolonged or catastrophic illness or injury”

Any illness, injury or disease which causes an employee to be unable to perform, with reasonable continuity, the substantial, material and essential functions of his/her job for medically related reasons due to a serious health condition of self, spouse, parent or child, as certified by a licensed health care provider.

(2) “Member”

An employee who has contributed hours to the Sick Leave Pool within the last four (4) years.

(3) “Eligible Employee” – In order to earn additional sick leave from the Sick Leave Pool, an eligible employee must meet all the criteria set forth below:

- (a) Has experienced a prolonged or catastrophic off-the-job illness, injury, disease, or birth or adoption of a child;
- (b) Has exhausted all accrued paid leave (including sick, vacation, and compensatory time);
- (c) Has met job performance and work rules prior to application;
- (d) Is a member of the Sick Leave Pool;
- (e) Is not off of work due to an on-the-job injury or receiving workers’ compensation benefits.

#### C) Contribution of Time

- (1) In order to donate hours to the Sick Leave Pool, the employee must have at least 40 hours of sick leave accrued prior to contributing to the Sick Leave Pool.
- (2) Open enrollment for donating to the Sick Leave Pool will be held once a year with membership effective in October. Participation is voluntary.

Title: SICK LEAVE AND SICK LEAVE POOL	REFERENCE NO. 5.03 PAGE NO. 5 of 5
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(3) Donation must be equal to the monthly accrual rate for the employee.

- i.e. Regular full-time employee – 8 hrs
- Regular part-time employees – 4 hrs
- Fire shift employees – 12 hrs

(4) Contributions are non-refundable

(5) The Human Resources Department shall maintain the balance, including donations and uses, of the Sick Leave Pool.

(6) In the event that the Sick Leave Pool becomes depleted, employees will be advised of this event and asked to voluntarily contribute additional sick leave to the Sick Leave Pool. In no event will more days be granted than have been accrued into the Sick Leave Pool.

D) Continuation of Benefits

Health insurance premiums and other benefit premiums will continue to be deducted appropriately as pay is received by the employee.

E) Request and Use of Time

(1) An eligible employee must complete and submit a Sick Leave Pool Request for Hours form. If the employee is incapacitated, the request may be completed by an immediate family member or Department Director.

(2) The Sick Leave Pool Request for Hours form will be turned in to the Human Resources Department. Requests must be accompanied by appropriate medical documentation from the treating physician that sufficiently explains the reason for a medical absence, sets out the employee's expected return date, work restrictions if any and other requested information. The Director of Human Resources will determine eligibility of the employee to receive sick leave hours from the Sick Leave Pool in accordance with this policy. An employee who is dissatisfied with the decision of the Director of Human Resources may appeal the decision in writing to the City Manager within ten (10) calendar days of receipt of the decision of the Director of Human Resources. The City Manager shall issue an opinion within ten (10) working days of the date of receipt of the employee's appeal. The decision of the Director of Human Resources shall be final if no appeal is filed within the 10-day period.

(3) A maximum of 240 hours may be approved per employee per fiscal year.

(4) The Sick Leave Pool may only be used to increase an employee's potential sick leave benefits prospectively. An employee who has exhausted all of his/her sick leave and has taken unpaid sick leave before requesting time from the Sick Leave Pool cannot draw from the Pool to be reimbursed for those past unpaid sick leave days.

F) Maximum Carry-over of Sick Leave Pool

There is no limit to the number of employees who may donate to the Sick Leave Pool, meaning the pool may accrue as many hours as are donated for each fiscal year; however, effective September 30 of each year (the last day of the fiscal year), the Sick Leave Pool will be purged of any accrued hours over 2,500.



# SICK LEAVE POOL REQUEST FOR HOURS

*City of Gainesville Personnel Policies and Procedures Manual, Reference No. 5.03*

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Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Employee Department: \_\_\_\_\_

I hereby request approximately \_\_\_\_\_ hours from the Sick Leave Pool for the following reason:

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I \_\_\_\_\_ hereby request approximately \_\_\_\_\_ hours from the Sick Leave Pool for the above named employee for the following reason:

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\_\_\_\_\_  
Signature of Employee or Immediate Family Member

\_\_\_\_\_  
Signature of Department Director

Received by Human Resources \_\_\_\_\_ (date)

\_\_\_\_\_ Eligible for hours from Sick Leave Pool      \_\_\_\_\_ Not eligible for hours from Sick Leave Pool

\_\_\_\_\_  
Signature of Director of Human Resources

\_\_\_\_\_  
Date

Payroll \_\_\_\_\_ SLP \_\_\_\_\_

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.04 PAGE NO. 1 of 10
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: FAMILY AND MEDICAL LEAVE	LAST REVISION DATE: 10/31/2011

The City of Gainesville provides leave to eligible employees in accordance with the Family and Medical Leave Act of 1993, as amended (“FMLA”).

**I. Employee Eligibility.** To be eligible for FMLA leave, an employee must:

- A) have worked for the City for at least 12 months; and
- B) have worked at least 1,250 hours during the 12 months preceding the start of the leave.

**II. Leave Entitlement.** Eligible employees may take FMLA leave for one or more of the following reasons:

- A) In order to care for a child following the child’s birth, adoption, or placement in foster care with the employee.  
  
FMLA leave must be taken within the 12-month period following the child’s birth or placement with the employee.
- B) In order to care for a spouse, child, or parent with a serious health condition.
- C) When the employee is unable to perform the functions of his/her position because of his/her own serious health condition.
- D) For a qualifying exigency due to spouse, child, or parent being on or called to active duty.
- E) To care for a spouse, child, parent, or next of kin who is a covered servicemember who incurred a serious illness/injury while on active duty.

**III. Amount of Leave**

- A) An eligible employee can take up to 12 weeks for the FMLA circumstance (A) through (D) listed in Section II of this policy during any 12-month period.
- B) An eligible employee can take up to 26 weeks for the FMLA circumstance (E) listed in Section II of this policy during a 12-month servicemember period. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. Available leave not taken during the 12-month servicemember period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-month servicemember period, and no additional extended leaves may be taken in other years for the same injury or illness.
- C) If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent “in-law”) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks.

Title: FAMILY AND MEDICAL LEAVE	REFERENCE NO. 5.04 PAGE NO. 2 of 10
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#### IV. Definitions

- A) “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken.
- B) “12-Month Servicemember Period” means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.
- C) “Spouse” means a husband or wife as recognized under Texas law for purposes of marriage, including common law marriage, but does not include unmarried domestic partners.
- D) “Child” means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s “child” is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or stepchild. For purposes of a son or daughter on covered active duty or call to covered active duty, or for Servicemember Family Leave, the child may be of any age.
- E) “Parent” means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
- F) “Next of Kin” means the nearest blood relative of a Covered Servicemember.
- G) “Active Duty” means duty under a call or order to active duty during a contingency operation.
- H) “Contingency Operation” means a military operation designated by the U.S. Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, or which results in the call or order to active duty of members of the uniformed services during a war or national emergency declared by the President or Congress.
- I) “Covered Servicemember” means
- (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is on the temporary disability retired list for a serious injury or illness incurred in the line of active duty and which may render the member medically unfit to perform the duties of the member’s military position; or
  - (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- J) “Qualifying Exigency” includes:
- (1) Short-notice deployment: notification of a call to active duty in support of a contingency operation seven or fewer days from date of deployment;
  - (2) Military events and related activities:
    - (a) To attend an official ceremony, program or event sponsored by the military that is related to active duty or call to active duty;

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- (b) To attend family support programs and briefings sponsored or promoted by the military, military service organization, or American Red Cross that are related to active duty or call to active duty.
- (3) Childcare and School Activities: Leave may be taken for a child in order to:
  - (a) Arrange for alternate childcare;
  - (b) Provide childcare on an urgent, immediate need basis;
  - (c) Enroll or transfer the child to a new school or daycare facility;
  - (d) Attend meetings with staff at school or daycare facility.
- (4) Financial and Legal Arrangements:
  - (a) To make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status;
  - (b) To act as the covered military member's representative to obtain, arrange, or appeal military service benefits while the member is on active duty or call to active duty status, and for 90 days following termination of active duty status.
- (5) Counseling: To attend counseling for oneself, the military member, or child when the need for such counseling arises from the active duty or call to active duty status of the covered military member.
- (6) Rest and recuperation: To spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment.
- (7) Post-deployment activities: To attend arrival ceremonies, reintegration events, and any other official ceremony or program sponsored by the military for the approximately 90-day period following termination of active duty or death of the servicemember while on active duty.
- (8) Additional activities related to the call to active duty otherwise agreed to by the employer and the employee.
- K) "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves:
  - (1) inpatient care (overnight stay);
  - (2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider;
  - (3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
  - (4) prenatal care by a health care provider.
- L) "Serious Injury or Illness" means
  - (1) in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may

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render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and

- (2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

M) "Continuing Treatment" means:

- (1) Two or more visits to a health care provider within 30 days of the commencement of the incapacity; or
- (2) Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider within 30 days of the commencement of the incapacity; or
- (3) A single visit to a health care provider within seven days of the commencement of the incapacity that results in a regimen of continuing treatment.

**V. Employee's Notice Requirements**

- A) In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both his/her Department Director and the Director of Human Resources with at least 30 days advance notice when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and the Director of Human Resources with as much advance notice as soon as possible.
- B) Notice of FMLA leave should be given to the Department Director and the Director of Human Resources by completing the Family and Medical Leave Request form.
- C) If an employee fails to give 30 days notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
- D) Employees must provide the City with at least verbal notice and explain the reasons for the needed leave sufficient to allow the City to determine if the absence is FMLA-qualifying, and the anticipated timing and duration of the leave, if known. The City may seek additional information from the employee, and the employee is obligated to respond to the City's questions so the City can determine if an absence is potentially FMLA-qualifying. The employee must notify the City as soon as practicable if the dates of his/her schedule leave change or are extended, or where initially unknown.
- E) If the employee fails to timely explain the reasons for his/her need for leave, FMLA leave may be denied or delayed for up to 30 days. The employee may also be subject to disciplinary action in accordance with City policy. Likewise, if an employee fails to respond to the City's reasonable inquiries regarding a leave request, the employee may not be granted FMLA leave protection.
- F) In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the Department's operations.

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- G) Employees must comply with their Department's normal call-in procedures for reporting absences, tardies, and requesting leave. Notice may be given by the employee's spokesperson only if the employee is physically unable to do so personally. Where an employee does not comply with the City's and Department's normal call-in procedures and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.
- H) Employees must check in periodically with their supervisor and with the Human Resources Department regarding their status and intent to return to work. If the employee discovers that the amount of leave originally anticipated is no longer necessary, the employee must provide the City with reasonable notice (*i.e.*, within two business days) of the changed circumstances if foreseeable.
- I) Employees must indicate on their Time Card or Request for Authorized Leave form when an absence or tardy is or may be covered by FMLA.

**VI. Employer's Notice Requirements**

- A) Notice of Eligibility and Rights and Responsibilities: Within five days after the employee requests leave or after the City learns the leave may be for an FMLA-qualifying reason, the City will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why, along with notice of the employee's rights and responsibilities.
- B) Notice of Designation of Leave: Within five days after the employee has submitted the appropriate certification form, the City will complete and provide the employee with a written response to the employee's request for FMLA leave informing the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. If any part of the requested leave is not designated as FMLA leave, the City will provide written notice of and reason for denial.
- C) Supervisors and Department Directors: So that the Human Resources Department can meet the notice deadlines required by the FMLA, supervisors must immediately notify both their Department Director and the Human Resources Department if they have reason to believe an employee's absence is due to an FMLA-covered reason. Supervisors must make this report even if the employee is using paid time off to cover the absence (sick leave, compensatory time, vacation, holiday, worker's compensation, or a trade with another employee). Supervisors and Department Directors must report to Human Resources any time an employee misses work for more than three days because of his/her own illness or injury or that of a spouse, child or parent.

**VII. Medical Certification and Other Required Documentation**

- A) An employee who is requesting FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child, parent or covered servicemember must provide the City with a medical certification supporting the need for FMLA leave. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. Such certification should be provided on the appropriate certification form provided by the Human Resources Department. In some cases the City may require a second or third medical opinion (at the City's expense).

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- B) Employees may be asked to periodically recertify the need for FMLA leave. The City will not, however, require recertification in the case of leave to care for a covered service member. The recertification must be provided within 15 days or as soon as practicable under the particular facts and circumstances. The employee is responsible for any expenses associated with providing the City with any required recertification.
- (1) 30-day rule: The City will request certification no more than every 30 days and only in connection with an absence by the employee unless paragraphs (2) or (3) below applies.
  - (2) More than 30 days: If the certification indicates that the minimum duration of the condition is more than 30 days, the City will wait until that minimum duration expires before requiring a recertification, unless paragraph (3) below applies. If the minimum duration of a serious health condition extends beyond six months, the City may nevertheless request a recertification every six months in connection with an employee's absence.
  - (3) Less than 30 days: The City may request recertification in less than 30 days if the employee requests an extension of leave, circumstances described by the previous certification have changed significantly (*e.g.*, the duration or frequency of the absence, the nature or severity of the illness, complications, a pattern of unscheduled absences), or the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.
  - (4) Annual Medical Certifications: If a serious health condition lasts beyond a single leave year, the City may require the employee to provide a new medical certification in each subsequent leave year.
- C) If an employee fails to provide any required certification within 15 days after requested, the City may deny leave until the certification is provided.
- D) If any employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.
- E) An employee may also be required to provide periodic reports during FMLA leave as to his/her status and intent to return to work.
- F) An employee may be required to submit a fitness for duty report or return to work certification before the employee can return to work. The fitness for duty/return to work certification must specifically address the employee's ability to perform his/her essential job functions set out in the City's Designation Notice, but is limited to the particular health condition that caused the employee's need for FMLA leave. The employee is responsible for any expenses associated with providing the City with a required fitness for duty/return to work certification and is not entitled to be paid for the time or travel costs spent in acquiring the certification. The Human Resources Department (or other DOL authorized person) may contact the employee's health care provider for purposes of clarifying and authenticating the fitness for duty/return to work certification; the City will not delay the employee's return to work while such contact with the health care provider is being made. The City will not require second or third opinions of fitness for duty/return to work certifications. An employee who fails to timely provide the City with the required fitness for duty/return to work certification will not be allowed to return to work; an employee who does not provide the required fitness for duty/return to work certification or request additional FMLA leave is no longer entitled to reinstatement and may be terminated.

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While the City will not require a fitness for duty/return to work certification to return to duty for each absence taken on intermittent or reduced leave schedule, it will require such a certification up to once every 30 days if reasonable safety concerns (*i.e.*, a reasonable belief of significant risk of harm to the employee or others) exist as to the employee's ability to perform his/her duties, based on the serious health condition for which the employee took leave.

- G) Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

**VIII. Certification for Qualified Exigency Leave**

- A) Active Duty Orders. The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the active duty service.
- B) Certification Form. The employee must complete and submit to the Human Resources Department the appropriate certification form in support of his/her need for leave. This form must usually be turned in within 15 days after the City requests it.
- C) Verification. If the qualifying exigency involves meeting with a third party, the Human Resources Department (or other DOL authorized person) may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment, and the nature of the meeting. The City may also contact an appropriate unit of the Department of Defense to request verification of active duty or call to active duty status.
- D) Denial or Delay of Leave. Exigency leave may be delayed or denied if the employee fails to turn in the required certification within 15 days. If the certification is incomplete or insufficient, the Human Resources Department will notify the employee, in writing, and advise the employee what additional information is required. The City will provide the employee with seven additional days to cure any deficiency. If deficiencies are not cured within the seven-day deadline, the City may deny the taking of FMLA leave.

**IX. Intermittent Leave**

An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if "medically necessary," or otherwise approved by the Department Director. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

**X. Paid Leave**

- A) An employee who is taking FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child, parent or covered servicemember and who has accumulated sick, vacation, and/or compensatory time must take paid leave first (using sick leave hours first, then vacation and/or compensatory time) until paid leave is exhausted while using FMLA leave. The remainder of the employee's FMLA leave entitlement will be provided without pay.

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- B) An employee who is taking FMLA leave for a qualifying exigency and who has accumulated vacation and/or compensatory time must take paid leave first until paid leave is exhausted while using FMLA leave. The remainder of the employee's FMLA leave entitlement will be provided without pay. Employees may only use sick leave in the case where the reason for the absence is covered by the City's sick leave policy.

**XI. Benefits During FMLA Leave**

- A) During any period of FMLA leave, the City will continue to pay its share, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his/her share of health insurance premiums while on FMLA leave. Failure to pay premiums in a timely manner will result in cancellation of group health coverage. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.
- B) The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, and seniority will not be affected. Employees who are absent from work on FMLA leave shall continue to accrue vacation and sick leave at regular rates, and maintain all other benefits allocated with their employment provided the absence is necessary and has been documented by the appropriate certification.
- C) Holidays. When an employee takes a full workweek of FMLA leave and a holiday occurs within the week, the week is counted as a full week of FMLA leave. If, however, an employee uses FMLA leave in increments of less than a week, the intervening holiday does not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work on the holiday.

**XII. FMLA Leave Runs Concurrently With Workers' Compensation Time Off**

FMLA leave will run concurrently with any time off from work covered by workers' compensation.

**XIII. Job Restoration After FMLA Leave**

- A) Upon return from FMLA leave, an employee will be restored to his/her original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions.
- B) The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave. Further, the City may delay restoration to employees who fail to timely provide a fitness for duty/return to work certification to return to work.
- C) If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.
- D) Key Employees. Under certain circumstances the City is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried eligible employee who is among the highest paid 10 percent of employees

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within 75 miles of the worksite. An employee will be notified of his/her status as a key employee, when applicable, after requesting FMLA leave.

**XIV. FLSA Considerations**

Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

**XV. Other Employment**

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment as defined in the Outside Employment Policy (Reference No. 2.13) unless expressly authorized in writing in advance by the Department Director and City Manager.

**XVI. Fraud**

An employee who fraudulently obtains FMLA leave is not protected by the FMLA's job restoration or maintenance of health benefits provisions. Further, an employee who commits fraud will likely be terminated from City employment.

**XVII. Mandatory Reporting of Improper Handling of FMLA.** Employees must immediately report, in writing to their Department Director or the Human Resources Department, the following so that the City can investigate and respond appropriately:

- A) Any interference with, restraint or denial of the employee's right to take FMLA leave or any rights protected by the FMLA or this policy.
- B) Any discrimination or perceived acts of discrimination against the employee for any right protected by the FMLA or this policy.
- C) Any refusal by a supervisor to authorize FMLA leave or attempt to discourage an employee from taking FMLA leave.
- D) Any attempt to avoid the City's FMLA responsibilities.
- E) Discrimination or retaliation against an employee for exercising or attempting to exercise FMLA rights.
- F) Discrimination or retaliation against an employee for opposing or complaining about any unlawful practice under the Act or this policy.

**XVIII. FMLA Statute and DOL Regulations**

More detailed provisions and definitions of some of the terms used in this policy are set out in the FMLA and in the DOL's regulations. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Human Resources Department. The City will refer to the FMLA and the applicable DOL regulations in carrying out this policy, as well as any relevant court interpretations and decisions. This policy does not affect any federal or state law prohibiting discrimination or supersede any state or local law, which provides greater family or medical leave rights. When an employee gives notice of the need for FMLA leave,

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the employee will be given additional information as to his/her rights and responsibilities under the FMLA. In addition, employees may contact the nearest office of the U.S. Department of Labor's Wage & Hour Division or the Department of Labor's website for more information.



# FAMILY AND MEDICAL LEAVE REQUEST FORM

City of Gainesville Personnel Policies and Procedures Manual, Reference No. 5.04

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Employee's Name \_\_\_\_\_

Department \_\_\_\_\_ Division \_\_\_\_\_

Please check reason for FMLA leave request:

- Care for newborn/adopted/placed child
  - Care for spouse/child/parent with serious health condition
  - Own serious health condition
  - Work-related injury
  - Pregnancy disability
  - Qualifying Exigency
  - Care for Covered Servicemember
  - Other (please explain) \_\_\_\_\_
- 

Beginning of Leave Date \_\_\_\_\_ Date of Return \_\_\_\_\_

Number of workdays absent \_\_\_\_\_ or intermittently in increments of \_\_\_\_\_

Intermittent or reduced work schedule (describe): \_\_\_\_\_

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Have you used approved FMLA leave within the past 12 months:  Yes  No

Benefit hours available:

Sick hours \_\_\_\_\_ Vacation hours \_\_\_\_\_ Accrued Compensatory time hours \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

*Original document to be forwarded to the Human Resources Department.*

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.05 PAGE NO. 1 of 2
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: UNPAID LEAVE OF ABSENCE	LAST REVISION DATE: 10/31/2011

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA) for medical, emergency, legal, educational or any other legitimate purpose personal to the employee.

This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA). A LOA will 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.

**I. Authorization**

Department Directors are authorized to grant an unpaid LOA for up to 30 days. Any LOA beyond 30 days must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of 120 total days away from work.

**II. Use of All Other Available Leave**

All vacation, compensatory time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing LOA.

**III. Criteria**

Factors considered by the City in granting a LOA include the reason for the leave, departmental work requirements, the employee's length of service, work performance and disciplinary history.

**IV. Documentation**

All requests for LOA must be submitted on the Request for Leave of Absence form and must be made to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Director of Human Resources. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on his/her condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from his/her doctor stating that the employee is able to resume his/her normal job duties. The City may also impose additional return to work requirements as set out in the City's Health/Fitness policy.

**V. Other Employment During Leave**

Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the City Manager.

Title: UNPAID LEAVE OF ABSENCE	REFERENCE NO. 5.05 PAGE NO. 2 of 2
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**VI. Reinstatement**

Employees returning from LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned his/her employment with the City.

**VII. Benefits/Premium Payments**

- A) LOA's are unpaid. Vacation and sick leave benefits will not accrue during an employee's LOA. Employees will not receive death in the family leave pay, holiday pay, or any other paid leave benefit during a LOA. These benefits will resume upon the employee's return to work. Sick leave benefit accruals held by the employee prior to the LOA will be maintained.
- B) Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either his/her portion of insurance premiums during a LOA may result in cancellation of coverage.

**VIII. Revocation**

The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including termination.



# REQUEST FOR UNPAID LEAVE OF ABSENCE

*City of Gainesville Personnel Policies and Procedures Manual, Reference No. 5.05*

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Date: \_\_\_\_\_

Name: \_\_\_\_\_

Department: \_\_\_\_\_ Division: \_\_\_\_\_

Reason for request for unpaid leave of absence (check one):

Medical

Emergency

Legal

Educational

Other

Beginning of Absence: \_\_\_\_\_ Date of Return: \_\_\_\_\_

Number of working days absent: \_\_\_\_\_

Explanation: \_\_\_\_\_

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Attach necessary documentation as required by policy or requested by Department Director.

I am requesting an unpaid leave of absence as stated above. I have read and am familiar with the City's policy regarding unpaid leaves of absence.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Department Director

*City Manager approval required for leave beyond 30 days.*

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
City Manager

***Original document to be forwarded to the Human Resources Department.***

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.06 PAGE NO. 1 of 3
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: MILITARY LEAVE	LAST REVISION DATE:

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

**I. Notice to City of Need for Leave**

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must submit written notice of leave along with the official documents setting forth the purpose of the leave and, if known, its duration. The notice must be turned into the Department Director and the Director of Human Resources as far in advance of the leave as possible.

**II. Paid Leave for Training and Duty**

- A) Full Pay for Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences in accordance with applicable state law. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.
- B) Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave and compensatory time) to cover their absence from work.
- C) Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

**III. Benefits.** The City will continue to provide employees on paid military leave with most City benefits.

A) Group Health Benefits.

- (1) While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/herself and eligible dependants. Employees must pay

Title: MILITARY LEAVE	REFERENCE NO. 5.06 PAGE NO. 2 of 3
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102% of the applicable premium to cover the cost of elective continuation of coverage under the City's group health plan.

- (2) Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

B) Other Benefits

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

C) TMRS

Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

**IV. Returning from Leave**

- A) Reemployment Rights. Employees who complete their military service will be reemployed in accordance with federal law.
- B) Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:
  - (1) For service of less than 31 days, employees have 8 hours following their return home from service to report for their next scheduled work period.
  - (2) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
  - (3) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Title: MILITARY LEAVE	REFERENCE NO. 5.06 PAGE NO. 3 of 3
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- C) Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.
  
- D) Rights to Continued Employment. For the one-year period following the date of their military reemployment, the City will not discharge employees without cause who served in the military for more than six months. Employees who serve for between one and six months will not be discharged without cause for six months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.
  
- E) Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the City from its obligation to reemploy the employee. In addition, the City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.07 PAGE NO. 1 of 1
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: ABSENCE FOR VOTING	LAST REVISION DATE:

It is the policy of the City of Gainesville to allow employees short-term paid leaves of absence when work scheduling would prohibit participation as a voter in national, state, county, district and municipal elections.

All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, supervisors are authorized to grant a reasonable period of time, up to two hours, during the workday to vote. Employees who need time off from work to vote must notify their supervisor at least three workdays prior to Election Day.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.08 PAGE NO. 1 of 1
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: ABSENCE FOR JURY DUTY/LEGAL MATTERS	LAST REVISION DATE:

It is the policy of the City of Gainesville to grant approved leave to an employee who is required to participate in certain judicial or legal matters. The employee's leave may be paid or unpaid depending on the nature of the leave.

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with his/her leave request. Employees must submit a Request for Authorized Leave, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

Employees on jury duty leave under this policy should keep up with their job responsibilities if possible. An employee who is absent because of jury duty or another legal matter under this policy typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation. Jury duty leave is not counted as hours worked for purposes of determining overtime.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 5.09 PAGE NO. 1 of 1
Chapter 5: LEAVES OF ABSENCE	INITIAL EFFECTIVE DATE: 07/07/2009
Title: DEATH IN THE FAMILY LEAVE	LAST REVISION DATE:

It is the policy of the City of Gainesville to grant paid leave to probationary, regular full-time and regular part-time employees in cases of death of family members. Uses of this leave may include making funeral arrangements and attending funeral services including travel time.

The following are considered family members for the purposes of this policy:

Immediate Family

Husband  
Wife  
Son  
Daughter  
Mother  
Father  
Brother  
Sister  
Step and Foster Children

Father-in-law  
Mother-in-law  
Brother-in-law  
Sister-in-law  
Son-in-law  
Daughter-in-law  
Grandparent  
Grandchild  
Step Parent

Other Family

Uncle  
Aunt  
Nephew  
Niece  
Grandfather-in-law  
Grandmother-in-law

- A) For each instance of death in the immediate family all probationary, regular full-time and regular part-time employees may be granted leave by the immediate supervisor, not to exceed (3) paid calendar days. The three-day length is at the option of the supervisor; it is not automatic. It is assumed that one day is needed to attend funeral services; however, two or three days may be necessary if travel is involved.
- B) One day of paid leave may be granted to attend funeral services for relatives other than immediate family (as listed above as “other family”).
- C) All employees may be granted up to two hours of paid leave to attend the funeral services for fellow employees when the services occur during scheduled work hours. Employee leave for such attendance is conditional upon supervisor approval, work load and need of the City.
- D) Employees may request compensatory time, vacation time or unpaid leave for the funeral of individuals not covered in this policy.
- E) Employees on an unpaid leave status will not receive death in the family leave pay.
- F) Death in the family leave benefits will not be paid for the same time an employee receives holiday pay, sick leave pay, vacation time pay, or any other paid leave benefit.
- G) Employees may be required to provide proof of death/funeral/family relationship to support death in the family leave.
- H) Death in the family leave is paid at the employees base rate at the time of absence. It is not counted as hours worked for purposes of calculating overtime.
- I) Employees who wish to take death in the family leave must notify their supervisor immediately.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 6.01 PAGE NO. 1 of 2
Chapter 6: COMPENSATION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PROCEDURES FOR RECEIVING PAY	LAST REVISION DATE:

Employees are to be paid for hours worked or for use of authorized paid leave every other Thursday. Pay periods are bi-weekly, and begin every other Monday and end on the second following Sunday at 12 midnight. Exceptions are certain shift personnel who work past the alternate Sunday at 12 midnight. The full shift will be reflected on Sunday.

The City of Gainesville is pleased to offer direct deposit of employee paychecks to the bank(s) and account(s) of the employee's choice. Employees are encouraged to participate in direct deposit.

**I. Regular Payment Procedures**

- A) All paychecks/direct deposit pay stubs received on a regular basis will be issued to employees by designated persons (i.e. supervisors) within each City division.
- B) No paychecks will be issued early.
- C) Paychecks/direct deposit pay stubs will be released to the employee only. In cases where circumstances prohibit an employee from picking up his/her check/stub (e.g. illness), the employee must notify his/her supervisor or complete a Check Release Form to authorize another person to pick up his/her check/stub.
- D) It is the responsibility of the employee to submit a signed time card as required by their department, in order for the department payroll clerk to enter hours worked into the payroll system. Employees who fail to submit a time card or who submit a time card that is not signed will be required to pick up their paycheck from the Human Resources Department. The check/stub will not be released until the signature is obtained.

**II. Final Paycheck Procedures**

Final paychecks/direct deposit pay stubs for separated employees will be picked up in the Human Resources Department, unless the employee has completed a Check Release Form designating where the final paycheck/direct deposit pay stubs should be sent or authorizing another person to pick up the check/stub.

**III. Payroll Changes**

All employee status record changes must be submitted to the Human Resources Department by 5 p.m. on the Wednesday before the last day of the pay period to be reflected on the next paycheck.

**IV. Handling Paycheck Exceptions**

A) Incorrect Paycheck

- (1) Employees are responsible for notifying their supervisor or the Human Resources Department upon receipt of an incorrect paycheck. Failure of an employee to call the incorrect paycheck to the attention of the supervisor, and failure to return the incorrect check the same day, will delay the correction process.

Title: PROCEDURES FOR RECEIVING PAY	REFERENCE NO. 6.01 PAGE NO. 2 of 2
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- (2) The Director of Human Resources or his/her designee will implement procedures to issue a corrected paycheck upon notification if the error affected base pay. Other errors will be corrected on the next paycheck.

B) Lost or Stolen Paycheck

- (1) Employees are responsible for notifying their supervisor or payroll clerk of a lost or stolen paycheck within 24 hours. A written request to reissue an employee's paycheck that is lost or stolen must be submitted to the Director of Human Resources.
- (2) A paycheck cannot be reissued until the Director of Human Resources or his/her designee receives confirmation from the bank that the lost or stolen paycheck has not cleared the bank and the stop payment order is in effect. This may cause a delay in reissuing the check because this process may take up to three working days.



# CHECK RELEASE FORM

City of Gainesville Personnel Policies and Procedures Manual, Reference No. 6.01

Employee Name: \_\_\_\_\_ Employee Number: \_\_\_\_\_

Department/Division: \_\_\_\_\_ Fund/Dept/Program: \_\_\_\_\_

## **Regular Paycheck**

I authorize the City of Gainesville to release my paycheck (or direct deposit pay stub) to be issued on \_\_\_\_\_ in the following manner:

Release to: \_\_\_\_\_  
(Identification may be required from designated person)

Mail to employee at:  
\_\_\_\_\_  
\_\_\_\_\_

## **Final Paycheck**

I authorize the City of Gainesville to release my final paycheck (or direct deposit pay stub) in the following manner:

Email to employee at: \_\_\_\_\_

Mail to employee at:  
\_\_\_\_\_  
\_\_\_\_\_

Release to: \_\_\_\_\_  
(Identification may be required from designated person)

I would like to pick up my final paycheck (or direct deposit pay stub) from my department/division.

I would like to pick up my final paycheck (or direct deposit pay stub) from the Human Resources Department.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

*Forward original completed form to the Human Resources Department.*

Check released by: \_\_\_\_\_

Check No. \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 6.02 PAGE NO. 1 of 1
Chapter 6: COMPENSATION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PAYROLL DEDUCTIONS	LAST REVISION DATE:

The City of Gainesville’s policy on payroll deductions is to limit deductions to taxes, insurances, retirement, or specific approved voluntary deductions.

**I. Authorized Deductions**

A) Mandatory deductions

- 1) Social Security contributions;
- 2) Medicare contributions;
- 3) Contributions to the Texas Municipal Retirement System (for eligible employees);
- 4) Income withholding taxes;
- 5) Court-ordered child support or other legal garnishments.

B) Optional Payroll Deductions with Individual Authorization for all Regular Employees

- 1) City-authorized medical insurance premiums;
- 2) City-authorized “other insurance” premiums;
- 3) Credit union share or loan payment amounts;
- 4) United Way contributions;
- 5) City-authorized deferred compensation plan contributions;
- 6) City-authorized association dues.

C) No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

**II. Cancellation of Deductions**

If an employee desires to cancel deductions from payroll, or change the number of dependents for any purpose, the Human Resources Department must be contacted, in writing, to properly execute this transaction.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 6.03 PAGE NO. 1 of 3
Chapter 6: COMPENSATION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: OVERTIME, COMPENSATORY TIME, AND TIME MANAGEMENT	LAST REVISION DATE:

The City of Gainesville requires employees to work overtime when necessary and as requested by the supervisor. Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

## I. Non-Exempt Employees

### A) Overtime

- (1) When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.
- (2) All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. The means employees may not begin work prior to their scheduled workday, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time card, the appropriate supervisor must also approve any overtime before the time card is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including termination.
- (3) Generally, except for Police and Fire Department shift employees, overtime pay for non-exempt employees is paid at the rate of one and one-half times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. An employee's regular hourly rate for overtime calculations includes all pay incentives, such as longevity, certification pay, etc. Police and Fire shift personnel are paid overtime based on the work cycle adopted by their Department under Section 207 (K) of the Fair Labor Standards Act (FLSA).
- (4) Paid holidays that fall on an employee's regularly scheduled day to work will be included as hours worked for purposes of determining eligibility for overtime pay. However, vacation time off, time off on account of sick leave, jury duty leave, witness duty leave, funeral leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Title: OVERTIME, COMPENSATORY TIME, AND TIME MANAGEMENT	REFERENCE NO. 6.03 PAGE NO. 2 of 3
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B) Compensatory Time

- (1) Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time (comp time) accrues at a rate of one and one-half hours for every hour of overtime worked by non-exempt employees.
- (2) Public safety (i.e. police officers, communications operators and fire fighters) is subject to a 480 hour cap on accrual of comp time. Other employees are subject to a cap of 240 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below.
- (3) An employee who has accrued comp time and requests use of such time must be permitted to use the time off within a “reasonable period” after making the request, if it does not “unduly disrupt” the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee’s accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, comp time off may be used the same as leave time.
- (4) Payment of Compensatory Time
  - (a) Upon termination, retirement, resignation, or death, an employee shall be paid for unused comp time at the rate of pay the employee was receiving at the time of separation.
  - (b) Employees may be given the opportunity to sell back accrued comp time from time to time, if included as part of the annual budget. Unless otherwise specified by the City Manager or the City Council, when offered this opportunity sell back, employees who have at least 80 hours of comp time available will be allowed to sell back up to 20 hours of comp time.

C) Flex-time Work Schedule

In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee’s work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee’s time card.

**II. Exempt Employees**

- A) Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.
- B) “Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the Director of Human Resources.

Title: OVERTIME, COMPENSATORY TIME, AND TIME MANAGEMENT	REFERENCE NO. 6.03 PAGE NO. 3 of 3
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- C) Absent accrued paid leave time, exempt employees need not be paid for any workweek in which he or she performs no work.
  
- D) It is the policy of the City of Gainesville not to make deductions from an exempt employee's pay. Any exempt employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify the Director of Human Resources. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 6.04 PAGE NO. 1 of 1
Chapter 6: COMPENSATION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: RESPONSE TIME AND ON-CALL DUTY	LAST REVISION DATE:

The City of Gainesville provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

**I. Response Time**

Response time is the length of time required for a reasonable response to an on-call request. Although residency within the city limits is not a condition of employment per City policy or State law, there are certain positions that require a reasonable response time to call outside normally scheduled work hours. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

**II. On-Call and Return to Work Provisions**

- A) After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required and also adhere to all City policies including the Drug and Alcohol Use Policy (Reference No. 8.04). Any variance from such policies may result in disciplinary actions, including termination. An employee is considered officially scheduled as on-call only when approved by his/her supervisor in accordance with procedures established by his/her Department.
- B) Department Directors shall develop on-call schedules with no preferential treatment given to any employee based on departmental operations. Qualified employees are to be scheduled on a rotating basis to prevent fatigue and safety hazards from too many long hours.

**III. Compensation**

- A) On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. An on-call employee who is called back to work outside his/her normal work schedule shall be paid only for time worked or a minimum of two (2) hours, whichever is greater, in a 24 hour period. Travel time will be considered hours worked.
- B) Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met.
- C) Time worked while on-call will be calculated at the employee's regular rate of pay; overtime compensation is applicable only when overtime requirements are met. Fire Department employees will be paid at the overtime rate when responding to an emergency. Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 6.05 PAGE NO. 1 of 1
Chapter 6: COMPENSATION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: LONGEVITY PAY	LAST REVISION DATE:

Longevity pay is provided to encourage retention of employees by recognizing the value of long-term service with the City of Gainesville. These payments are for regular full-time employees and regular part-time employees who receive benefits and are made according to the following schedule:

- A) An employee's longevity months begin to accrue starting with the first October following the employee's hire date.
- B) An employee must be employed for the entire fiscal year (October 1st through September 30th) and be employed the date the check is issued to receive longevity pay in that year.
- C) Longevity accrual is at the rate of \$5.00 per month for each accrued month up to a maximum of 30 years. (Example: 48 months of accrual would result in a payment of \$240.00 gross.)
- D) Longevity pay is distributed in one lump sum each year on the first day of December unless it is a Holiday or weekend.
- E) Employees who retire before the end of the fiscal year will be entitled to the total longevity pay less \$5.00 for each month the employee was retired or changed status prior to the end of the fiscal year.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 6.06 PAGE NO. 1 of 1
Chapter 6: COMPENSATION	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PRIMARY AND SECONDARY POSITIONS	LAST REVISION DATE:

The City of Gainesville allows an employee to have two part-time positions within the City of Gainesville as long as the scheduled hours of work are not in conflict. The status of an employee with two part-time positions will remain part-time.

**I. Primary Employer**

The position the part-time employee is hired in first is considered the primary position (in the primary department). Regular part-time employees may apply for a second part-time position within the City only with a recommendation of the primary department director. The payroll clerk for the primary department will be responsible for payroll functions for the employee and the allocation and transfer of payroll expenses between departments when necessary.

**II. Secondary Employer**

The secondary department must coordinate rate of pay, hours of work, and any other relevant information with the primary department.

**III. Overtime**

Overtime worked will be paid when the combined hours worked exceed forty (40) hours per week. The primary and secondary department will pay for actual hours worked and the department(s) causing the total hours to go over forty (40) hours per week will pay overtime. The decision as to which department will be charged for overtime worked will be decided as follows:

- If one department required the overtime, causing the total hours to go over forty (40) hours per week, then that department pays.
- If both departments required equal amount of overtime causing the total hours to go over forty (40) hours per week, then the overtime expense will be divided evenly.
- If one department required less than its budgeted hours (usually 20) and the other department required more than its budgeted hours plus overtime, then the department requiring the extra hours pays for actual plus overtime for total hours over forty (40).

**IV. Benefits**

Regular part-time employees who regularly work at least 1,000 hours in a year will receive benefits such as benefit hour accruals (at a half rate), medical benefits and participate in TMRS. For other policies and procedures pertaining to benefits for part-time employees, refer to Categories of Employment (Reference No. 3.04).

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.01 PAGE NO. 1 of 5
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	LAST REVISION DATE: 10/31/2011

To ensure orderly and productive operations and provide the best possible work environment, the City of Gainesville requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

**I. Progressive Discipline**

In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- Oral warning/employee consultation/verbal reprimand
- Written reprimand
- Disciplinary probation
- Suspension without pay
- Salary Reduction or Demotion
- Dismissal

**II. Documentation**

All forms of discipline, other than oral warnings, must be documented on the appropriate forms provided by the Human Resources Department and will be placed in the employee's personnel file.

**III. Supervisory Responsibility**

- A) All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.
- B) Prior to any disciplinary action being administered, the supervisor will conduct a thorough examination of the situation before deciding to take any disciplinary action and discuss proposed action with his/her Department Director.

**IV. Review by the Director of Human Resources**

Any proposed disciplinary action in excess of an oral warning must be reviewed by the Director of Human Resources prior to being given to the employee. This applies to both probationary and non-probationary employees.

Title:	EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO.	7.01
		PAGE NO.	2 of 5

## V. Appeal Rights

An employee who has received discipline in excess of an oral warning/employee consultation/verbal reprimand may request a Disciplinary Review Hearing in accordance with Disciplinary Review Hearing Policy (Reference No. 7.02). However, positions classified as Director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination. Probationary, temporary and seasonal employees likewise have no right of appeal for disciplinary action taken against them.

## VI. Prohibited Activities

Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulation, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties at risk may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following work rules relating to personal conduct are intended to provide minimum guidelines for employee conduct and work performance, and to inform employees of prohibited conduct. Engaging in one or more of the following forms of prohibited conduct may result in disciplinary action up to and including termination.

### A) Work Performance

- (1) Inefficiency or incompetence in the performance of duties
- (2) Neglect or carelessness in the performance of duties
- (3) Careless, negligent or improper use of City property or equipment
- (4) Failure to satisfactorily meet performance standards for the position
- (5) Failure to meet or maintain specified conditions of employment, such as failure to obtain or maintain a license or certificate required as a condition for performing a job
- (6) Violation of City or departmental policies, codes of conduct, rules and procedures

### B) Attendance and Punctuality

- (1) Improper use of leave privileges, including but not limited to, excessive or unscheduled absenteeism, tardiness in reporting for work or returning from breaks and meal breaks or absence without notice and/or approval
- (2) Failure to promptly notify supervisor of absence

### C) Personal Conduct

- (1) Insubordination, failure or refusal to follow lawful orders, or other disrespectful or unprofessional conduct
- (2) Unnecessarily disrupting the work of other employees, or interfering with work schedules or another employee's ability to work

Title:	EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO.	7.01
		PAGE NO.	3 of 5

- (3) Operating or conducting gambling on the job or on City property
- (4) Violating safety rules or practices which endanger the employee or others or damages City property or equipment
- (5) Playing tricks or jokes or engaging in horseplay that adversely affects job performance or creates potential safety issues
- (6) Engaging in personal business while on duty without authorization of his/her supervisor
- (7) Misuse of City telephones, computers, mail systems, etc.
- (8) Utilizing City data or information systems for any reason other than City business
- (9) Failure to report damage to City equipment or property of others
- (10) Dishonesty, including misrepresentation during the hiring process
- (11) Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- (12) Falsely reporting illness or injury, or otherwise attempting to deceive any official of the City as to a health or medical condition
- (13) Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations)
- (14) Violation of local, state or federal law
- (15) Conviction of a felony or Class A or B misdemeanor, including reasonable belief by the City that the employee has committed a crime under the Texas Penal Code, or repeated conviction of Class C misdemeanor charges
- (16) Misusing or failing to use delegated authority in the performance of duties
- (17) Engaging in any employment activity or enterprise which conflicts with, or potentially conflicts with, City interest
- (18) Acceptance of payment of any kind for activities related to City employment
- (19) Unauthorized use, possession or removal of City property, including aiding in, or encouraging the unauthorized use, possession or removal of City property or other property not belonging to the employee
- (20) Appropriating City property, e.g. equipment, furniture or construction materials which have been abandoned or discarded
- (21) Conduct which results in waste or damage of a coworker's, City's or citizen's property
- (22) Causing or contributing to an accident by operating equipment in an unsafe or unauthorized manner

Title: EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO. 7.01 PAGE NO. 4 of 5
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- (23) Willful damage to public property or willful waste of public supplies, service, or equipment
- (24) Using City property or equipment without authorization
- (25) Discourteous treatment of the public, other employees, or third parties
- (26) Using abusive language
- (27) Making derogatory racial, age, ethnic, or sexist remarks
- (28) Fighting, provoking or instigating a fight, or threatening violence
- (29) Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others
- (30) Possession of a weapon, other than a firearm, on City property while on duty or while engaging in City business (except for employees required to carry a weapon as part of their assigned job duties)
- (30.5) Possession of a firearm in a City building or a portion of building (except for employees required to carry a firearm as part of their assigned job duties)
- (31) Possession, distribution, sale, transfer, use or consumption of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment
- (32) Working and/or operating City-owned equipment under the influence of alcohol or illegal drugs
- (33) Engaging in unbecoming conduct, either on or off duty
- (34) Discrimination or harassment on the basis of race, color, religion, sex, national origin, disability, or age
- (35) Destroying City records without authorization
- (36) Falsification of timekeeping or other records, including employment application
- (37) Using an official position or office for economic gain or soliciting favors or gratuities for performing services required by the employee's position
- (38) Unauthorized disclosure of confidential information
- (39) Unauthorized use or possession of City funds
- (40) Employees may be disciplined, up to and including discharge, for conduct which occurs outside regularly scheduled working hours, if such conduct affects the employee's ability to work for the City, or if it places the City Council, City Administration, or the City's reputation in a negatively viewed position. An example which might be considered a negatively viewed position is arrest or conviction for a criminal or civil offense which jeopardized the citizen's trust or confidence in an employee's ability to perform his/her job duties and responsibilities.

Title:	EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION	REFERENCE NO.	7.01
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**VII. Felonies and Misdemeanors**

Employees must immediately notify their supervisor and/or Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Director of Human Resources. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

**VIII. Disciplinary Conference**

A disciplinary conference will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, affected employee, the Director of Human Resources and anyone else deemed necessary by the Department Director typically attend the disciplinary conference. During the conference, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the conference. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary conference. The employee will be notified of the City's determination following the conference.

**IX. Administrative Leave**

During an investigation into alleged offenses or violations of City policies, or during the decision-making process concerning an employee's conduct or performance, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the City Manager.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.02 PAGE NO. 1 of 3
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: DISCIPLINARY REVIEW HEARING	LAST REVISION DATE:

It is the policy of the City of Gainesville to give individual employees an opportunity for a hearing regarding disciplinary actions. Disciplinary review hearings are designed to be heard according to prescribed guidelines as set forth in the following procedures. The disciplinary review hearing process is designed to afford the employee a responsive forum to guard against biased or arbitrary decisions; however, nothing in this policy shall be construed as a grant to any employee of a property right in tenured public employment. All employees are employed strictly on an at-will basis.

Positions classified as Director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination and shall be exempted from the application of this policy. Those employees employed by a written contract, probationary, temporary and seasonal employees likewise have no right of appeal for disciplinary action taken against them and are also exempted from the application of this policy.

**I. General Disciplinary Review Hearing Information**

- A) An employee who has received discipline in excess of an oral warning/employee consultation/verbal reprimand may request an informal or formal disciplinary review hearing.
- B) Since it is important that disciplinary review hearings be resolved as rapidly as possible, time limits, as set out in the following paragraphs, shall be considered a maximum and every effort shall be made to expedite the process. However, the limits may be extended or shortened at any or all steps if both parties agree in writing. In the event the parties cannot agree, the Director of Human Resources shall have the discretion to unilaterally shorten or extend the time limits.
- C) A disciplinary review hearing not responded to within the time limits prescribed by the appropriate representative at each step shall be considered a violation of this policy for which the representative may be subject to disciplinary action.
- D) All requests for disciplinary review hearings must be submitted on Request for Disciplinary Review Hearing form, and must be filed with the Human Resources Department. An employee shall choose whether he/she desires to pursue an informal or formal disciplinary review hearing process and shall indicate his/her choice on the form.
- E) An employee who requests a disciplinary review hearing must inform the Human Resources Department in writing of his/her correct mailing address and telephone number. Failure to provide current mailing address and telephone information may result in administrative closure of the disciplinary review hearing.
- F) The employee must make the request for a disciplinary review hearing in writing within ten (10) working days after receiving notification of an action taken. The written request must set forth the specific reasons why the employee feels the action is not justified.
- G) Upon receipt of the request for a disciplinary review hearing, the Director of Human Resources will assign a Hearing Officer. The appointed Hearing Officer will be a disinterested party, typically of Department Director status.

Title: DISCIPLINARY REVIEW HEARING	REFERENCE NO. 7.02 PAGE NO. 2 of 3
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- H) The Director of Human Resources (or his/her designee) shall coordinate, attend, and facilitate all disciplinary review hearings, and provide appropriate documentation to the parties involved as necessary.
- I) The disciplinary review hearing will be conducted within 10 working days of the employee's request, unless an extension is agreed upon by both parties as described in this policy.
- J) Upon conclusion of the disciplinary review hearing, the Hearing Officer will make a decision and recommendation to the City Manager within five (5) working days from the date of the hearing, with a copy to the Director of Human Resources. The City Manger will make a final decision within ten (10) working days of receipt of the Hearing Officer's decision and recommendation. The Human Resources Director will communicate the City Manager's decision in writing to the employee, employee's supervisor and others with the need to know in the chain of command. The City Manager's decision is final.
- K) As all employees are employed strictly on an at-will basis, and no contractual rights are implicated, no particular burden of proof need be met to sustain a termination or disciplinary sanction.

**II. Informal Hearing Process**

- A) By requesting an informal hearing, the employee shall waive a formal hearing.
- B) The informal hearing will consist of the employee, the Department Director and/or the supervisor who imposed the disciplinary action, the Hearing Officer, and the Director of Human Resources (or his/her designee), acting as a facilitator to the proceedings. The employee and the Department Director and/or the supervisor who imposed the disciplinary action will each have the opportunity to address the hearing with information concerning the appeal.

**III. Formal Hearing Process**

- A) A formal hearing is a structured, procedural hearing requiring City representatives to present evidence, introduce witnesses, and prove facts to support justification of the action taken against the employee. The employee may present evidence, introduce witnesses and prove facts to support that the action is unjustified. The formal hearing will be heard by a hearing officer according to guidelines outlined below.
- B) Formal Hearing Procedures:
  - (1) The employee and the department must submit a written statement of relevant issues, a list of witnesses to be called, and copies of relevant documents five (5) business days prior to the scheduled hearing. The Hearing Officer will determine if any of the listed witnesses will be permitted based upon their relevance.
  - (2) Opening Statements
    - (a) Employee gives brief summary of reason for appeal
    - (b) Supervisor gives brief summary of reason for action

Title:	DISCIPLINARY REVIEW HEARING	REFERENCE NO.	7.02
		PAGE NO.	3 of 3

(3) Presentation of Evidence and/or Witnesses

- (a) Witnesses for employer make statements (may be in question and answer form or narrative)
- (b) Hearing Officer asks questions, if any, of employer's witnesses
- (c) Witnesses for employee make statements (may be in question and answer form or narrative)
- (d) Hearing Officer asks questions, if any of employee's witnesses

(4) Closing Statements

- (a) Department Director or supervisor gives brief summary.
- (b) Employee gives brief summary.

(5) Other Procedural Guidelines

- (a) The Hearing Officer will exclude irrelevant material.
- (b) The Hearing Officer may ask questions as he/she thinks necessary.
- (c) The Hearing Officer may call witnesses if he/she believes necessary.
- (d) The formal rules of evidence do not apply.
- (e) Typically, only those employees who are on duty during the hearing will be required to participate in the hearing, although the Hearing Officer may require an employee to come in during his/her off-duty time.



CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.03 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PROBLEM SOLVING	LAST REVISION DATE:

In an effort to promote improved employer-employee relationships the City of Gainesville has an open door policy. Employees who feel they are being unfairly treated, wish to correct a misunderstanding or desire information concerning their work relationships are encouraged to discuss these concerns with their immediate supervisor. If this attempt fails, the employee will follow the chain of command in his/her department.

In the normal operation of any organization, problems or questions may arise. In most instances, a supervisor should be able to give a prompt answer to an employee's questions and will assist in solving problems.

The express intent of this policy shall be to afford employees an informal yet systematic means of obtaining consideration of their concerns, to ensure that an employee who presents a problem in good faith and in a reasonable manner will be free from reprisal, and to ensure that problems are settled as near as possible to the point of origin.

## **I. Procedures for Problem Solving**

- A) An employee wishing to submit a complaint, problem or grievance must first discuss the particular issue with his/her immediate supervisor.
- B) If, for legitimate reasons, the employee feels that he/she is unable to discuss the issue with his/her immediate supervisor or that the issue has not been resolved to the employee's satisfaction, the employee may present the issue or grievance to the employee's Department Director. The employee must submit the issue or grievance on the Employee Grievance form within five (5) working days after receiving the supervisor's response. The Department Director shall respond to the employee within ten (10) working days from the date of receipt.
- C) An employee failing to gain satisfaction after conferring with the employee's Department Director may present his/her particular issue to the Director of Human Resources. The employee must submit the issue or grievance on the Employee Grievance form within five (5) working days after receiving the Department Director's response. Except in the case where an internal investigation is warranted, the Director of Human Resources shall respond to the employee within ten (10) working days from the date of receipt.
- D) An employee failing to gain satisfaction after conferring with the Director of Human Resources may request that the Director of Human Resources forward the issue to the City Manager for consideration. The employee must make such request within five (5) working days after receiving the response from the Director of Human Resources. The City Manager shall respond to the employee within ten (10) business days from the date of receipt.
- E) The decision of the City Manager is final.

## **II. Supervisory Responsibilities**

- A) Supervisory staff members will ensure that every reasonable effort is made to respond to employee complaints, problems and grievances as expeditiously as possible.

Title: PROBLEM SOLVING	REFERENCE NO. 7.03 PAGE NO. 2 of 2
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- B) Knowledge of any attempt of harassment, reprisal, intimidation, discrimination or other form of retaliation toward employees as a result of their implementation of this policy will be immediately forwarded to the Director of Human Resources.

**III. Employee Assistance Program**

Confidential counseling having to do with personal or job related problems and concerns is available to all City employees through the Employee Assistance Program.

**IV. Internal Investigations**

- A) When a complaint or allegation is made that warrants an internal investigation, the City Manager shall appoint an appropriate person(s) to serve as the investigator. The investigator is responsible for notifying the City Manager if he or she has any conflict or bias with the parties involved. (The investigator, if someone other than the Director of Human Resources, should consult with the Director of Human Resources for proper procedure in conducting an internal investigation.)
- B) The investigator is given complete authority over the investigation and may, upon approval, call in outside counsel if warranted.
- C) All departments and employees will cooperate to the fullest extent with the investigator.
- D) Complaints and resulting investigations will be treated with discretion, but absolute confidentiality is not possible because of the City's obligations to comply with Texas Open Government laws and its legal duty to investigate such claims.
- E) No person who is the subject of a complaint will be permitted to influence the outcome of any investigation or the resolution of the complaint.
- F) Good faith reports of violation of these policies will not result in any retaliation or reprisal.
- G) In addition to an administrative investigation, matters that may involve a violation of criminal law may also result in a criminal investigation.
- H) After all the facts, materials and interviews have been completed the investigator will summarize the findings in a final report. The report should contain relevant background information including the specific complaint(s) or allegation(s) and a review of the process, listing evidence and witnesses interviewed. Supporting documents and relevant quotes may be attached to the report. Findings of misconduct should identify appropriate disciplinary action.
- I) The investigator shall complete all findings and forward the final report to the City Manger within thirty (30) working days after the complaint(s) or allegation(s) has been filed.
- J) All records and documents associated with the investigation will be indexed for future reference and kept in accordance with record retention laws.



CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.04 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: TOBACCO USE	LAST REVISION DATE: 08/01/2014

The City of Gainesville desires to provide a safe and healthy work environment for citizens, customers, and employees.

**I. Definition**

“Tobacco Products” means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookah), electronic cigarettes (e-cigarettes), and smokeless tobacco products.

**II. Prohibited Use**

- A) The use of tobacco products (including smokeless) is prohibited in any City-owned or municipal building.
- B) The use of tobacco products (including smokeless) is prohibited while operating and/or being a passenger in City-owned or leased vehicles and/or equipment.
- C) No employee shall use tobacco products (including smokeless) while making public contact.

**III. Permitted Use**

- A) Employees may use tobacco products (including smokeless) outdoors in designated areas during their normal rest or meal periods.
- B) Employees using tobacco products must observe and abide by the smoking regulations ordinance of the City of Gainesville and any other law regarding smoking or tobacco use.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.05 PAGE NO. 1 of 3
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: CITY PROPERTY/EQUIPMENT USE	LAST REVISION DATE:

The City of Gainesville 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, courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

**I. City-issued Property/Equipment**

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, 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 authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

**II. Damage to City Property/Equipment**

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 will likely result in disciplinary action, up to and including termination of employment.

**III. Personal Use Prohibited**

City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the Department Director or the City Manager.

**IV. Vehicle Allowance**

An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

**V. Take-Home Vehicles**

- A) An employee may be authorized to take City vehicles to his/her residence when the employee is an "on-call" employee who has a job-related need for the vehicle after normal working hours.
- B) Employees authorized to take a City vehicle to his/her residence during off-duty hours must complete and sign an Authorization for Take-Home Vehicle Form. The form must be completed, signed by the employee, and approved by the designated Supervisor and Department Director.

Title: CITY PROPERTY/EQUIPMENT USE	REFERENCE NO. 7.05 PAGE NO. 2 of 3
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The authorization for a take-home vehicle may be approved by the Department Director when the employee resides in the corporate limits of the City of Gainesville. If the employee does not reside in the corporate City limits of the City of Gainesville, the authorization must also be approved by the City Manager.

- C) Employees authorized to take vehicles home are authorized to make reasonable, brief, and limited stops before or after assigned work shifts while traveling to and from work to conduct personal errands, such as obtaining a limited number of grocery items (a loaf of bread, gallon of milk, etc.), picking-up cleaning, making a bank transaction, and the like. On-call employees, who are allowed to come and go freely but must respond to a return-to-work notification by pager, radio, cell phone, or telephone, may use “take-home” vehicles for personal business if such use is required to meet response times outlined in Department or Division policies. Under no circumstances will family members or friends be transported in the take-home vehicles unless specifically authorized under the provisions of this policy.
- D) The City’s vehicles are classified as either “exempt” or “non-exempt” as prescribed by law. Employees to whom a “non-exempt” vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as “non-exempt” vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.
- E) The approval for a take-home vehicle shall be made for the purpose of assuring the performance of City business, and such authorization or use shall not constitute or be considered a vested employment benefit or right of the employee. Such authorization or use may be denied, revoked, or suspended at any time for any reason or for no reason.

**VI. Use of City Vehicles**

- A) 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. If an employee drives a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the Vehicle Operator Standards as described in the City of Gainesville Safety Program, and the following rules:
  - (1) Drivers must have a valid State of Texas driver’s license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
  - (2) No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
  - (3) No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
  - (4) All maintenance and use records for City vehicles must be completed as directed by the employee’s supervisor, department directives or the City of Gainesville Safety Program.
  - (5) Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
  - (6) All drivers must be eligible for coverage under the City’s insurance policy.

Title: CITY PROPERTY/EQUIPMENT USE	REFERENCE NO. 7.05 PAGE NO. 3 of 3
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- (7) Drivers covered by Department of Transportation regulations must comply with them at all times.
- (8) 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.
- (9) 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 Director, and/or City Manager. Accident Reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Director of Human Resources.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

- B) 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.
- C) Employees who are in jobs that require the driving/operating of City vehicles or motorized equipment must notify their Supervisor, Department Director, or Director of Human Resources by the end of the department's next working day when:
  - (1) They are arrested and charged with DWI, DUID, or any other serious moving violation;
  - (2) They have their driver's license suspended, cancelled, or revoked;
  - (3) When their license expires without immediate renewal; or
  - (4) When an Occupation Driver's License or similar license has been issued to them.

Failure to report such information by the end of the next working day shall result in disciplinary action up to and including termination, unless there are extenuating circumstances.

- D) Employees who are in jobs that require the driving/operating of City vehicles or motorized equipment who are convicted of a DWI or DUI will be terminated, although the City may also take disciplinary action prior to conviction. Determination for removal of driving privileges and/or disciplinary action while waiting for adjudication shall be made by the Department Director in concurrence with the Director of Human Resources on a case-by-case basis.



# AUTHORIZATION FOR TAKE-HOME VEHICLE

City of Gainesville Personnel Policies and Procedures Manual, Reference No. 7.05

## CITY VEHICLE INFORMATION:

DEPARTMENT: \_\_\_\_\_ DIVISION: \_\_\_\_\_

VEHICLE NUMBER: \_\_\_\_\_ VEHICLE TYPE: \_\_\_\_\_

AUTHORIZATION:  New  Change  Temporary

## EMPLOYEE INFORMATION:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

## REASON FOR AUTHORIZATION:

1. Stand-By \_\_\_\_\_
2. Frequently Called Out/Services \_\_\_\_\_
3. Job-Related Need \_\_\_\_\_
4. Frequently Called Out/Emergency Services \_\_\_\_\_
5. Temporary \_\_\_\_\_
6. Public Health/Safety \_\_\_\_\_

Inside City Limits  Outside City Limits

Number of Miles to Drive Round Trip from Home to Work \_\_\_\_\_

I have read City of Gainesville Personnel Policies and Procedures Manual Reference No. 7.05 regarding City Property/Equipment Use and also the Section 2.5 of the City of Gainesville Safety Program regarding Vehicle Operator Standards.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED: Supervisor \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED: Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

City manager approval required for take-home vehicles for employees who live outside city limits.

APPROVED: City Manager \_\_\_\_\_ Date: \_\_\_\_\_

Please return form to the Human Resources Department to be included in the employee's personnel file.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.06 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: POLITICAL ACTIVITIES	LAST REVISION DATE: 10/22/2015

City of Gainesville employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

City employees may not:

- Engage in political activities relating to a campaign for elective office while in uniform or on active duty.
- Publicly endorse or campaign in any manner for any person seeking a City public office, except in the case where the employee is running for City public office, the employee may campaign for himself/herself but only while not in uniform or on active duty.
- Use his/her position or office in any advertisement or endorsement of products, persons or activities, without exclusive authorization by the City Council to coerce political support from employees or citizens.

Employees appointed or elected to city offices shall be required to resign their employment upon acceptance of the office. If employee does not voluntarily resign, the employee will be terminated from employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.07 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: DRESS, APPEARANCE, IDENTIFICATION AND UNIFORMS	LAST REVISION DATE:

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 Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors 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, dress shirts and ties for men and suits, dress blouses and dress slacks or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.). 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. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

**I. Standards for Work Attire**

- A) All employees are expected to comply with safety regulations – e.g., types of shoes, shirtsleeve length, etc. – as directed by departmental and industry safety standards.
- B) All office and public contact employees are expected to be appropriately dressed and well groomed in order to reflect a professional businesslike atmosphere.
- C) Clothing should be clean, comfortable and attractive but not distracting. Clothing having pictures, designs, words, and/or advertising not conducive to a professional image, see-through and/or otherwise sexually provocative clothing are prohibited for all employees.
- D) The following are inappropriate:
  - Provocative or revealing attire including body-hugging, see-through, or excessively tight fabrics;
  - Bare shoulders or tank tops;
  - Thong sandals (“flip-flop” shoes);
  - Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
  - Wrinkled, ripped and tattered clothing;
  - Visible tattoos which could be deemed offensive;
  - Nose rings/studs, eyebrow rings/studs; tongue studs or similar type facial jewelry.
  - Jeans, sweatshirts, sweat pants, athletic shoes, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City Management, or as specifically approved by the appropriate Department Director as work assignments dictate.

Title: DRESS, APPEARANCE, IDENTIFICATION AND UNIFORMS	REFERENCE NO. 7.07 PAGE NO. 2 of 2
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## **II. Hair**

Hairstyles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, Mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. Sideburns may not extend below the ear lobe.

## **III. Identification Cards**

- A) As part of the employment process, all regular full-time and part-time employees will be issued an identification card. The identification card must be kept within reasonable access while employed by the City for verification of employment. It is the responsibility of the employee to ensure that current information is reflected on his/her identification card.
- B) Lost, stolen or mutilated cards must be reported to the Human Resources Department. Police and Fire personnel must report lost, stolen or mutilated cards as stated in department operating procedures. Employees needing to acquire a replacement card and/or correct or update information on their identification card should contact the Human Resources Department.
- C) Upon separation from employment, the card must be relinquished to the Human Resources Department prior to receiving final paycheck.

## **IV. Uniforms**

- A) The City supplies many employees with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.
- B) Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work.
- C) When an employee terminates, uniforms and other City equipment, which the employee possesses, must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck.

## **V. Enforcement**

- A) In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to their supervisor, Department Director, or the Director of Human Resources.
- B) Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.08 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: ATTENDANCE AND WORK HOURS	LAST REVISION DATE:

**I. Regular Work Hours**

Nonexempt employees of the City, except for Fire Department and Police Department shift personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. The workweek begins on Monday and ends on Sunday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m.

**II. Adjustment to Work Hours**

In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operation hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and includes that he/she will be available to do such work.

**III. Meal Periods**

- A) Every effort will be made to ensure that all full-time employees receive a daily meal break during each shift. There may be instances, however, when an employee may not receive a scheduled meal break due to scheduling and/or the nature of the work.
- B) Full-time employees (excluding Fire Department and Police Department shift personnel) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

**IV. Rest Breaks**

- A) Full-time employees may, depending on individual department work schedules and the discretion of their supervisor, take up to two fifteen-minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day.
- B) Rest breaks shall be considered a privilege and not a right and shall never interfere with proper performance of an employee's work responsibilities and department work schedules.
- C) Rest breaks must be taken at, near, or in route to or from work sites within the fifteen-minute limits or as outlined in departmental policies. Employees whose work sites and or work schedules do not permit opportunities to obtain food or beverages should plan ahead and take provisions with them to the work sites.
- D) An employee may not combine two daily breaks into one thirty-minute rest period, "bank" rest break time from day to day, or save rest break time to extend a lunch period or shorten a shift.

Title: ATTENDANCE AND WORK HOURS	REFERENCE NO. 7.08 PAGE NO. 2 of 2
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**V. Attendance Records**

Employees are expected to be at their work stations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived at work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day.

**VI. Attendance and Punctuality**

- A) To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his/her supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to his/her supervisor the reason for the absence or tardiness and the date and time of his/her anticipated arrival or return. For absences of a day or more, the employee must personally notify his/her supervisor on each day of his/her absence unless the supervisor expressly waives this requirement.
- B) In most instances, an employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence and is absent for a period of one working day or shift may be presumed to have voluntarily resigned his/her employment.

**VII. Proof of Need for Absence**

In the case of absenteeism, if the supervisor has reason to suspect abuse, he/she may require the employee to present satisfactory proof of the need for the employee's absence.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.09 PAGE NO. 1 of 2
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: SEXUAL AND OTHER UNLAWFUL HARASSMENT	LAST REVISION DATE: 09/01/2009

The City of Gainesville is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic protected by law, is prohibited. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

## **I. Sexual Harassment**

A) One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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

## **II. Other Prohibited Harassment**

In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

Title: SEXUAL AND OTHER UNLAWFUL HARASSMENT	REFERENCE NO. 7.09
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### III. **Mandatory Reporting**

- A) The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he/she has been subjected to conduct prohibited by this policy must report it immediately to his/her Department Director, the Director of Human Resources or the City Manager.
- B) Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise his/her Department Director and/or the Director of Human Resources.
- C) Under this policy, an employee may report to and/or contact the Director of Human Resources directly, without regard to the employee's normal chain of command:

Human Resources Director  
200 S. Rusk St. (City Hall)  
Gainesville TX 76240  
(940) 668-4590

Voice messages or e-mails may be left at any time.

- D) In addition, the City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his/her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.
- E) An employee who reports a potential violation of this policy and who feels his/her report was not adequately or timely addressed, must then put his/her report in writing and submit it to the Director of Human Resources and the City Manager.

### IV. **Investigation**

All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.

### V. **Retaliation Prohibited**

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

### VI. **Responsive Action**

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.10 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: RETALIATION ACT	LAST REVISION DATE:

**Retaliation Prohibited**

The City of Gainesville supports the State of Texas Retaliation Act which protects a public employee who reports an alleged violation of law. The City's Problem Solving Policy (Reference No. 7.03) encourages employees to report any alleged infraction without fear of retaliation. The State Law provides that a state or local government body may not suspend or terminate the employee of, or otherwise discriminate against, a public employee who reports a violation of law to an appropriate law enforcement authority if the employee report is made in good faith. Law is defined as a state or federal statute, an ordinance passed by a local government body, or a rule adopted under a statute or an ordinance.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 7.11 PAGE NO. 1 of 1
Chapter 7: EMPLOYEE CONDUCT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: POLYGRAPH EXAMINATIONS	LAST REVISION DATE:

Except for extraordinary circumstances, City of Gainesville employees (other than certain employees in the Police and Fire Departments) will not be subjected to polygraph examinations. Police and Fire Department employees will be required to submit to a polygraph test only in those situations permitted by law. Nothing in this policy prohibits an employee from volunteering to be polygraphed. No City employee, however, whether in Police, Fire or another City Department, may be polygraphed without the prior written authorization of the City Manager or the Director of Human Resources.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 8.01 PAGE NO. 1 of 2
Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE	LAST REVISION DATE:

The City of Gainesville provides computer networks, Internet access, email, telephones, pagers, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

**I. Acceptable Use**

- A) Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.
  
- B) Users must understand that use of any City-provided, publicly accessible computer network such as the Internet and email is a privilege. Minimal personal use of the Internet or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.

**II. Unacceptable Uses of Electronic Communications Systems include:**

- Using profanity, obscenity, or other languages which may be offensive or harassing to other coworkers or third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
- Transmitting or sharing information regarding a coworker’s health status without his/her permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.

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- Expressing opinions or personal views regarding management of the City or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violated City policy or is contrary to the City's best interest.
- Playing games or gambling.

### **III. Responsibility**

The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

### **IV. No Right of Privacy/Monitoring**

Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. The City Manager or his/her designee, and the Director of Human Resources or his/her designee, reserve the right to, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages; information and material transmitted, received or stored using City systems; and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

### **V. Filtering**

The city may use software to filter Internet and instant message content for all employees.

### **VI. Copyright Restrictions**

Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the Department Director and the network administrator is required before introducing any software into the City's computer system. Employees may not download or install entertainment software, games or any other software unrelated to their work.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 8.02 PAGE NO. 1 of 1
Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: CELL PHONE USE IN THE WORKPLACE	LAST REVISION DATE:

Cell phones, pagers, Blackberrys, Palm Pilots, and other similar communications devices (referred to in this policy collectively as “cell phones”) must be turned off or placed in the silent or vibrate mode while at work, unless written approval has been given by your supervisor or department director in advance. Employees should not make or receive excessive personal calls on their cell phones during work time or during non-work time in areas where other employees or citizens will be disturbed. Employees should also ensure that friends and family members are aware of the City’s policy restricting the receipt of cell phone calls, except for emergencies. Employees who violate this policy will likely be disciplined.

Employees who have camera cell phones may not use the camera feature during work hours or while conducting City business, unless necessary in the performance of the employee’s job duties and written approval has been given by the employee’s supervisor or department director in advance. Specifically, camera cell phones may not be used to violate the City’s Sexual and Other Unlawful Harassment policy, to invade a citizen’s or another employee’s privacy or to photograph confidential business records. Employees who violate this policy will likely be disciplined.

Employees with City-issued phones are allowed to use City cell phones for personal phone calls but must reimburse the City for any costs associated with personal use.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 8.03 PAGE NO. 1 of 1
Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: INCLEMENT WEATHER	LAST REVISION DATE: 06/01/2013

Except for extraordinary circumstances, City offices do not close. Employees should never assume City offices will be closed.

All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations. However, if an employee determines that the weather conditions constitute a danger to life and/or property, and therefore cause employee to be absent, the employee must notify his/her supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. The procedure for reporting absence due to inclement weather conditions is the same as for any other absence.

Any leave taken due to inclement weather can be flexed or charged to vacation or compensatory time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

Department Directors are responsible for assuring that their operations are sufficiently staffed during inclement weather days. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 8.04 PAGE NO. 1 of 5
Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: DRUG AND ALCOHOL USE POLICY	LAST REVISION DATE:

It is the desire of the City of Gainesville to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

**I. Prohibition Against Alcohol and Illegal and Unauthorized Drugs**

While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol, inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

**II. Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia**

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

**II. Permissive Use of Prescribed and Over-the-Counter Drugs**

The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

**III. Permissive Use of Alcohol**

- A) At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his/her own personal vehicle while under the influence of alcohol.
- B) The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol.
- C) No employee in his/her work-related capacity should ever be impaired because of the excessive use of alcohol.

Title: DRUG AND ALCOHOL USE POLICY	REFERENCE NO. 8.04
	PAGE NO. 2 of 5

D) Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

#### **IV. Fire and Police Department Employees**

Certain City Fire and Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police and Fire Department operating procedures.

#### **V. Mandatory Disclosure by Employees**

Employees taking prescription medication and/or over-the counter medication must report such use to either their Department Director or the Director of Human Resources if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his/her job (or operate a vehicle, property, or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

#### **VI. On-Call Employees**

Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of drugs and/or alcohol, such that reporting to work would result in a violation of this policy, the employee must immediately advise the appropriate supervisor on duty. The employee will not be required to report to work.

#### **VII. Mandatory Reporting of Conviction**

Employees must notify their immediate supervisor and the Director of Human Resources, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

#### **VIII. Off-Duty Conduct**

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs and/or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

#### **IX. Rehabilitation/Treatment**

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

Title: DRUG AND ALCOHOL USE POLICY	REFERENCE NO. 8.04 PAGE NO. 3 of 5
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- B) Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City. (Under certain conditions, treatment for substance abuse may be covered under the City's FMLA policy.)
- C) The cost of any rehabilitation or treatment may be covered under the City's group medical plan. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
- D) During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. (Where applicable, time off under this policy will also be designated as leave under the City's FMLA policy.)
- E) If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is normally conditioned on the following:
- (1) Initial negative test for drugs and/or alcohol before returning to work;
  - (2) A written release to return to work from the City-approved rehabilitation or treatment facility/program;
  - (3) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
  - (4) In addition to any testing required in connection with the employee's ongoing treatment or follow-up treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
  - (5) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.
- F) This policy will be administered in accordance with the City's FMLA policy.

Title: DRUG AND ALCOHOL USE POLICY	REFERENCE NO. 8.04
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## **X. Policy Violation**

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

## **XI. Testing**

### **A) Types of Tests**

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, or other generally-accepted testing procedure.

### **B) Testing of Applicants**

All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

### **C) Testing of Employees**

- (1) Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
- (2) Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- (3) For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g. observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g. the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing) and complete the appropriate checklist form provided by the Human Resources Department.
- (4) Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.

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- (5) Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
- (6) A positive test result is a violation of the City’s Drug and Alcohol Use Policy and will likely result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City’s Drug and Alcohol Use Policy is ineligible for future employment with the City.
- (7) The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City of Gainesville Personnel Polices and Procedures Manual, Reference No. 8.05 for the City’s Drug and Alcohol Policy for DOT Employees for additional Information.

D) Testing Procedures

- (1) All testing must normally be authorized in advance by both the employee’s Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, in his/her sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, in his/her sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor’s documentation of the articulable factors which led him/her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor’s articulable observations.
- (2) If an employee’s conduct resulted in a work place accident, injury or “near miss,” or reasonable suspicion exists to believe that the employee has violated the City’s Drug and Alcohol Use policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put him/her on administrative leave until the test results are received.

The City will make arrangements to have the employee transported home after the testing.

- (3) All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
- (4) Test results will be maintained in a confidential file separate and apart from the employee’s personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources, supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 8.05 PAGE NO. 1 of 8
Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES	LAST REVISION DATE: 06/01/2013

**I. Employees/Applicants Subject To Testing**

- A) City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U. S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Director of Human Resources will advise the employee if he/she is subject to DOT testing and the terms of this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.
- B) Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy (Reference No. 8.04). In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provision of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.
- C) Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

**II. Prohibited Alcohol Use**

A) On-duty and Pre-duty Use

Reporting for, or remaining on, duty requiring the performance safety-sensitive functions is prohibited under the following conditions:

- (1) While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- (2) While using alcohol; or
- (3) Within 4 hours after using alcohol.

B) Use Following An Accident

An employee who is required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

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### III. Prohibited Drug Use

Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

### IV. Required Alcohol and Drug Tests

DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

#### A) Pre-employment Testing

Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

#### B) Post-accident Testing

- (1) Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:
  - (a) When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
  - (b) When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
  - (c) In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.
- (2) An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

Title: DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES	REFERENCE NO. 8.05 PAGE NO. 3 of 8
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(3) In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by a state or local law enforcement official using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

(4) Post-Accident Alcohol Testing

If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

(5) Post-Accident Drug Testing

A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

C) Reasonable Suspicion Testing

(1) Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee, the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of heris/her suspicion. If the Department Director concurs, he/she may order the employee to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations and/or the appropriate reasonable cause determination checklist form provided by the Human Resources Department must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report and/or checklist must be promptly forwarded to the Director of Human Resources.

(2) Reasonable Suspicion Alcohol Testing

(a) Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before he/she is to perform, or just after he/she stopped performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately

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document the reason that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

- (b) Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until an alcohol test measures the employee's alcohol concentration at less than 0.02; or 24 hours have elapsed since the reasonable suspicion observation was made.

(3) Reasonable Suspicion Drug Testing

A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug testing within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

D) Random Testing

Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver selected will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

E) Return-to-Duty and Follow-Up Testing

Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

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## V. Refusal to Test

An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

## VI. Additional Information About Alcohol Testing.

### A) Consequences of a Positive Alcohol Test

An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and will be terminated. An employee who is tested and has an alcohol concentration of 0.02 to 0.039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If the employee is not terminated, then he/she will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)

### B) Alcohol Testing Procedures

A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

## VII. Additional Information About Drug Testing.

### A) Drug Testing Procedures

Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then he/she has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Director of Human Resources. The second test will be at the driver’s own expense.

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#### B) Drugs Tested For

DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.

#### C) Review of Drug Test Results

All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

#### D) Consequences of a Positive Drug Test

A driver will be removed from safety sensitive duties and placed on administrative leave if he/she tests positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

### VIII. Confidentiality

Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

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**IX. Information From Prior Employers**

For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver’s written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver’s application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask the person if he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

**X. Record Retention**

The City will maintain and retain records under this policy as mandated by DOT regulations. See 49 C.F.R. §382.401, Retention of Records.

**XI. Notification to Applicants/Employees of Positive Test Results**

The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive, and also which controlled substance(s) verified positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

**XII. Employee Admission of Drug/Alcohol Use**

An employee who admits to alcohol misuse or drug use must do so in accordance with the City’s general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City’s general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions,

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the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

### **XIII. Safety Sensitive Functions**

For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### **XIV. Transportation to Testing Site**

With the exception of pre-employment testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

### **XV. Questions**

Anyone with questions regarding this policy should contact the Director of Human Resources.

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Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: WEAPONS BAN AND VIOLENCE PREVENTION	LAST REVISION DATE: 10/31/2011

The City of Gainesville tries 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.

**I. Zero Tolerance**

Harassment, bullying, intimidation, threats, insinuating threats, threatening behavior, aggressive confrontational 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.

**II. City's Response to Threats or Acts of Violence**

- A) The City will attempt to respond appropriately to any person who threatens use 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 Director of Human Resources, and where applicable, the City's Police Department or other appropriate law enforcement agency. The Director of Human Resources will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Director(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, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the City to be appropriate under the circumstances.
- B) 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.

**III. Weapons Banned**

- A) No employee shall carry or possess a weapon, other than a firearm, on City property or on the employee's person while on duty or at any time while engaging in City business, unless specifically authorized and required to do so as part of their assigned duties. Prohibited weapons includes but is not limited to clubs, illegal knives, switchblades, explosives, crossbows, bows and arrows, throwing stars, knuckles, etc.
- B) No employee shall carry or possess a firearm on the employee's person in a City building or a portion of a City building while on duty or at any time while engaging in City business, unless specifically authorized and required to do so as part of their assigned duties. This does not prohibit an employee who holds a license to carry a concealed handgun or who otherwise lawfully possesses a firearm from transporting or storing a firearm the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot or other parking area for City employees.

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**IV. Mandatory Reporting**

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

**V. Protective Orders**

Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Director of Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.

**VI. 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.

**VII. City Property**

For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

**VIII. Documentation**

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

**IX. Policy Violations**

Violations of this policy will likely lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 8.07 PAGE NO. 1 of 1
Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: EMPLOYEE SAFETY AND ACCIDENT/INCIDENT REPORTING	LAST REVISION DATE:

**I. Safety Program**

- A) The City of Gainesville is interested in the safety and well being of its employees. Accordingly, the City has adopted a Safety Program. Each and every employee is required to obey safety rules established in the Safety Program and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase employee awareness of the importance of safety on the job. Employees can do much to prevent accidents and injuries by obeying the safety rules of the job, by remaining alert, and by THINKING SAFETY at all times.
- B) Employees who see something that they believe is an unsafe act or an unsafe condition must immediately report it to their supervisor or to management at once.

**II. Accident Reporting**

- A) All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor or the Director of Human Resources. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.
- B) Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

**III. Accidents Involving City Equipment and Vehicles**

- A) Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to his/her supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit it to his/her supervisor and to the Human Resources Director.
- B) Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.
- C) Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.



# EMPLOYEE'S ACCIDENT/INCIDENT REPORT

*City of Gainesville Personnel Policies and Procedures Manual, Reference No. 8.07*

This report is to be completed and turned in to your immediate supervisor within twenty-four (24) hours of accident/incident unless injury has resulted in lost work time. If injury occurs, report to be completed as soon as medical attention has been sought.

Employee's Name: \_\_\_\_\_

Department: \_\_\_\_\_ Division: \_\_\_\_\_

Immediate Supervisor's Name: \_\_\_\_\_

Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Where Accident/Incident Occurred: \_\_\_\_\_

If injury occurred, explain nature of injury or illness and part of body injury or exposed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What happened? (Describe act(s), failure to act and/or any conditions that contributed most directly to this accident.) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain damage done to City equipment/vehicle/property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain damage done to other equipment/vehicle/property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In your own words, why did it happen? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If vehicle(s) were involved and moved from the place of the accident explain why. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list any witnesses to this accident/incident \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature

Date

Department Director Signature

Date



# SUPERVISOR'S ACCIDENT/INCIDENT REPORT

City of Gainesville Personnel Policies and Procedures Manual, Reference No. 8.07

This report is to be completed and turned in to the Human Resources Department within 24 hours of accident/incident.

Employee's Name: \_\_\_\_\_

Department: \_\_\_\_\_ Division: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Where Accident Occurred: \_\_\_\_\_

What happened? (Describe act(s), failure to act and/or any conditions that contributed most directly to this accident. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In your professional opinion, why did it happen?  
\_\_\_\_\_  
\_\_\_\_\_

Do you believe this accident/incident could have been avoided?  Yes  No

Recommended Action (What should be done?)  
\_\_\_\_\_  
\_\_\_\_\_

What corrective action have you taken? (A copy of the action is to be forwarded to the Human Resources Department.)  
\_\_\_\_\_  
\_\_\_\_\_

If picture(s) of the accident/incident are not included explain:  
\_\_\_\_\_  
\_\_\_\_\_

Was this accident investigated?  Yes  No If yes, by who? \_\_\_\_\_

Did employee seek medical attention?  Yes  No If yes, where? \_\_\_\_\_

Estimate of damage: \$ \_\_\_\_\_

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date



# WITNESS ACCIDENT/INCIDENT REPORT

*City of Gainesville Personnel Policies and Procedures Manual, Reference No. 8.07*

Name of Witness: \_\_\_\_\_

If City employee, Department: \_\_\_\_\_ Division: \_\_\_\_\_

If Not City employee, please provide contact information:

Home Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name of Employee(s) involved in Accident/Incident: \_\_\_\_\_

Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Where Accident/Incident Occurred: \_\_\_\_\_

Describe exactly what happened (i.e., how accident/incident occurred; if injury resulted, state part of body injured or exposed and nature of injury; if property damage resulted, describe property and damage).

Statement of Witness: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did the employee involved say anything following the accident/incident?  Yes  No

If yes, please state remarks as accurately as possible: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was a specific tool, vehicle, machine or piece of equipment involved?  Yes  No

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

Signature of Witness: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 8.08 PAGE NO. 1 of 1
Chapter 8: WORK ENVIRONMENT	INITIAL EFFECTIVE DATE: 07/07/2009
Title: SEARCHES	LAST REVISION DATE:

The City of Gainesville may conduct unannounced searches or inspections of the work site, 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. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the Director of Human Resources. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 9.01 PAGE NO. 1 of 1
Chapter 9: MISCELLANEOUS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: PURCHASING	LAST REVISION DATE:

Employees are to follow Administrative Regulations established for the purchasing of supplies, materials, or equipment for the use of the City of Gainesville.

City employees shall not purchase supplies, materials, or equipment of any kind through the City of Gainesville for personal use.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 9.02 PAGE NO. 1 of 2
Chapter 9: MISCELLANEOUS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: TRAVEL EXPENSES	LAST REVISION DATE: 06/01/2013

It is the City of Gainesville's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

**I. Authorization**

All travel and cash advances must be approved in advance by the employee's Department Director. Any travel out of state must be approved by the City Manager. The City will not be liable for any employee travel expenses unless the employee has the prior approval of his/her Department Director.

**II. Transportation**

A) Air travel. The City will pay employees for round trip air coach. Employees may choose to travel first-class, but the City will pay only for coach class. Employees may not use private airplanes or charters without the express approval of the City Manager. Cost saving or schedule requirements must be shown.

B) Personal Vehicles. With the approval of the department director, City employees may use their personal vehicles for travel. The City will pay the current rate per mile as is established by the Internal Revenue Service, or the equivalent of a coach airline fare, whichever results in the lower cost to the City.

Mileage reimbursement will be paid to employees who must use their personal vehicles to travel for city-related business (such as delivering or picking up supplies, equipment or documents or other errands) or to a training destination further than their designated work location or other location and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to further training location. Actual number of miles travelled must be submitted for reimbursement.

C) Vehicle Rental. The City will not pay for rented cars without the approval of the employee's Department Director. Cost savings or schedule requirements must be shown.

D) Taxi. The City will reimburse employees' taxi fares for required transportation.

E) City Vehicles. City vehicles may be used at the discretion of the Department Director. Direct expenses, such as gasoline and oil, associated with the use of such vehicles will be reimbursed.

F) Parking and Tolls. Receipts are required for toll and parking fees.

**III. 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 City.

Title: TRAVEL EXPENSES	REFERENCE NO. 9.02
	PAGE NO. 2 of 2

**IV. Meal Allowance**

The City shall pay actual necessary transportation and living expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipt or by per diem allowance. In lieu of itemized receipts for meals, a per diem allowance of \$50 per day is authorized based on \$10 for breakfast, \$15 for lunch, and \$25 for dinner. Even if supported by a receipt, reimbursement shall not exceed \$30 for any one meal.

**V. Long Distance Phone Calls**

Reasonable and necessary long distance business phone calls and computer related expenses for City business reasons will be reimbursed. In addition, the City will pay the cost of one personal phone call each day.

**VI. Entertainment**

The City will not reimburse employees for entertainment unless it is specifically related to the purpose of the trip.

**VII. Non-Allowable Expenses**

Expenses 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.

**VIII. Expenses Not Covered in Policy**

The City Manager's approval must be obtained prior to any expenditure of funds for items or charges that are not specifically addressed in this travel policy.

**IX. Travel Advance, Reimbursement and Travel Expense Reporting**

Employees may request a travel advance in accordance with Administrative Regulations. Upon return to the City, the employee must complete a City Expense Report in accordance with Administrative Regulations. All unexpended advance funds must be returned with the report. Authorized expenses in excess of any travel advance funds received will be reimbursed with proper approval.

**X. Compliance**

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

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 9.03 PAGE NO. 1 of 1
Chapter 9: MISCELLANEOUS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: REIMBURSEMENT FOR PROFESSIONAL DEVELOPMENT ACTIVITIES	LAST REVISION DATE:

**I. Reimbursement for Training, Seminars, and Conferences**

With Department Director approval, the City of Gainesville will pay for training, seminars, and conferences that are job-related and will improve the performance of the employee. The City will pay for all direct expenses associated with the training. The City will pay for travel costs as described in the City's policy regarding travel expenses.

**II. Required Approval**

All payments for training, seminars, and conference must have prior approval of the Department Director.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 9.04 PAGE NO. 1 of 1
Chapter 9: MISCELLANEOUS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: SOLICITATION	LAST REVISION DATE:

**I. Solicitation in General**

- A) Employees of the City of Gainesville may solicit contributions, sell tickets, or take orders for causes related to immediate family members only. Solicitation will be limited to functions related to school activities, Girl Scouts, Boy Scouts, etc. Employees soliciting charitable contributions for the United Way, either from other City employees or from the general public, are authorized to solicit such contributions either on or off the City facilities on duty and in uniform.
- B) Permission must be obtained from the Department Director prior to any solicitation. Unless otherwise directed by the Department Director, solicitation should only occur while both the employee and the employee being solicited are on break or at lunch.
- C) No employee may be required to make any contribution nor may an employee be penalized in any way concerning his/her employment according to his/her response to a solicitation.
- D) The City Manager may grant exceptions to the prohibitions against solicitation and other activities hereunder in special circumstances. Exceptions may include collections for employees leaving City employment and employees suffering personal hardships.

**II. Posting of Advertisements, Announcements, Leaflets and Items**

Non-job related announcements or printed material may not be attached to any window, or building owned by the City of Gainesville without prior approval from the City Manager. Announcements and printed material must have the approval of the City Manager to be posted on a City bulletin board. All items posted must have a removal date in the lower right-hand corner. The public service bulletin board located in City Hall is exempt from this policy.

**III. Distribution of Printed Items to City Employees**

Any printed item, e.g., discount coupons, tickets, announcements, etc., to be distributed to City employees must be coordinated with the Director of Human Resources. To obtain approval, a printed item must be City-related business, or a specific benefit for City employees due to their employment with the City. The Human Resources Department will determine the method of distributing all approved materials.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 9.05 PAGE NO. 1 of 1
Chapter 9: MISCELLANEOUS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: GIFTS	LAST REVISION DATE:

The City of Gainesville 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/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 has 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
- tee-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, gift with purchase(s), 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/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 disciplinary 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 Director of Human Resources.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 9.06 PAGE NO. 1 of 1
Chapter 9: MISCELLANEOUS	INITIAL EFFECTIVE DATE: 07/07/2009
Title: CONFLICT OF INTEREST	LAST REVISION DATE:

No employee of the City of Gainesville may:

- Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City;
- Use City employment, authority, or influence in any manner for his/her personal betterment, financial or otherwise;
- Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City (See Reference No. 2.13 regarding Outside Employment); or
- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Violations of this policy may result in disciplinary action up to and including termination of employment. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL	REFERENCE NO. 9.07 PAGE NO. 1 of 1
Chapter 9: MISCELLANEOUS	INITIAL EFFECTIVE DATE: 06/01/2010
Title: LACTATION/BREASTFEEDING	LAST REVISION DATE:

The City of Gainesville supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

Any full-time employee who is breastfeeding her own child or an adopted child, and who plans to perform lactation (express breast milk to store for a baby's later use), must notify her supervisor in advance of her space and scheduling needs.

For up to 1 year (12 months) after the child's birth, the lactating employee will be provided up to two break periods of 20-30 minutes each plus an additional 20-30 minutes during her meal period to express breast milk for her newborn. The lactating employee and her immediate supervisor will agree on the times for these breaks.

As the situation arises, the department director, supervisor, and/or the Director of Human Resources will work with each lactating employee to determine a reasonable and suitable area where the employee may express breast milk. The area will be a room or location, other than a bathroom or restroom, that is in close proximity to the work area, is private, secure, ventilated, sanitary, kept at a comfortable temperature, and has the necessities required, such as seating, lighting, and electricity. Expressed milk should be placed in cooler-type containers and may be stored in City refrigerators.



**Personnel Policies and Procedures Manual**  
07/07/2009

**CHANGES/REVISIONS/AMENDMENTS**

<b>Date</b>	<b>Reference No.</b>	<b>Description of Change/Revision/Amendment</b>
08/25/2009	3.10	Removes sentence “Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the duties of his/her actual position after a period of 120 days will be terminated.” from I, C, 2, b. Eliminates light duty counting toward the 120-day maximum allowed absence.
08/25/2009	4.07	Remove phrases: “from the date of injury” from third paragraph. Allows the 60 calendar days allowed for light duty to begin on the first day of the light duty assignment rather on the date of injury or illness
08/25/2009	5.01	Designates Labor Day as “September 11 <sup>th</sup> ” holiday (in lieu of the Labor Day holiday) for firefighters - in compliance with House Bill 2113 which amends Local Government Code 142.0013.
08/25/2009	7.01	Corrects typo in VI, C, 35 (“se <u>g</u> ” to “se <u>x</u> ”)
09/01/2009	7.09	Corrects typo in I, A (“purpose of effect” to “purpose o <u>r</u> effect”)
06/01/2010	5.04	Update to include veterans under covered servicemember, define serious injury or illness and correct mistake in letters of VII
06/01/2010	9.07	New Policy/Procedures for Lactation/Breastfeeding
10/31/2011	7.01	Removes work rule that firearms not allowed on City property. Changed to firearms not allowed in City building or a portion of building. In compliance with Senate Bill 321 which amends Ch. 52 of Labor Code.
10/31/2011	8.06	Removes rule that firearms not allowed on City property. Changed to firearms not allowed in City building or a portion of building. Allows employees who are legally authorized to possess or carry a firearm arm to transport or store that firearm in a locked vehicle parked on City property. In compliance with Senate Bill 321 which amends Ch. 52 of Labor Code.
10/31/2011	3.10	Remove “for whatever reason” from Long-Term Absence policy. Include language that long-term absences for medical reasons will be considered on case-by-case basis. Recommended due to recent EEOC cases where automatic termination policies were not consistent with the employer obligations under the ADA. Recommended due to employer obligations under FMLA regarding leave for care of a servicemember.
10/31/2011	5.05	Specify that leave of absence policy will be administered consistently with the City’s obligations under the ADA and FMLA.
10/31/2011	5.04	Amend definition of “Child”

<b>Date</b>	<b>Reference No.</b>	<b>Description of Change/Revision/Amendment</b>
06/07/2012	8.05	Corrects typo in II, A, 1 (“0.04” to “0.02”)
08/13/2012	5.03	Changes definition of “Member” – from an employee who has contributed minimum number of hours to the SLP within the last 3 years to an employee who has contributed hours to the SLP within the last 4 years
		Removes a maximum donation; employees will only be permitted to donate the number of hours equal to their monthly accrual rate
		Specifies that a maximum request for hours will be 240 hours per employee per fiscal year
05/07/2013	2.10	Establishes a maximum carry-over of hours for the SLP from year to year Changed to provide that the minimum age for employment of seasonal and/or temporary positions be changed to fifteen (15) years of age. (City Council Resolution No. 05-07-2013 B)
05/07/2013	2.11	Changed to provide that seasonal and/or temporary employees are exempted from the nepotism policy. (City Council Resolution No. 05-07-2013 B)
06/01/2013	9.02	Provide examples for city-related business travel; change “mileage readings” to “number of miles travelled”
06/01/2013	3.09	Change “reason” for separation to “type” of separation; include HR may release eligibility for rehire status
06/01/2013	8.05	Change .02 to .04 per FMCSA §382.201
06/01/2013	8.03	Correct grammar
06/01/2013	5.03	Change maximum “accrual” to “Annual Carryover”
06/01/2013	5.02	Change maximum “accrual” to “Annual Carryover”
06/01/2013	4.01	Specify “disability” insurance as AD&D; correct document title of Employee Benefits Summary reference document
07/11/2013	8.07f	Employee’s Accident/Incident Report form updated Supervisor’s Accident/Incident Report form updated Witness Accident/Incident Report form updated
08/01/2014	7.04	Tobacco products includes e-cigarettes
10/01/2014	3.04	Include “internship” in definition of temporary/seasonal
10/21/2015	5.03	Correction of error; firefighter shift employees to donate 12 hours to be eligible for SLP
10/22/2015	7.06	Changes to reflect law; employees may run for City office
11/02/2016	4.01a	New policy for Affordable Care Act/Identifying Full-time Employees