

**CITY OF PARIS**  
**PERSONNEL POLICIES AND**  
**PROCEDURES**

**October 23, 2018**

## **FOREWORD**

The purpose of the City of Paris Personnel Policy is to provide a consistent guide to personnel actions involving City employees. All employees are employment-at-will and these policies **are** not intended to create contractual rights regarding employment or otherwise. It also is not intended to give specific guidelines for every conceivable personnel action. These guidelines are sufficiently broad to provide the latitude of discretion that may be needed in individual situations. However, this degree of discretion shall not be permitted to violate the spirit and intent of the Policy. This Policy should be referred to regularly when making decisions affecting City civilian personnel and Civil Service personnel where the City of Paris Civil Service Rules and the Local Government Code are silent. The City Council may change or amend these policies within statutory and charter limitations to the extent necessary to more effectively and efficiently promote the interest of the City.

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## SECTION 1 – INTRODUCTION

### **SECTION 1.01 – Mission Statement**

The City of Paris is committed to the efficient delivery of quality services to its citizens. The City fulfills the mission through personal and organizational commitment to the following values:

*Accountability* – accepting responsibility as stewards of public resources and investing pride in our work;

*Initiative* – taking positive action to accomplish our mission;

*Respect* – treating each other with understanding and dignity and respecting our differences;

*Development* – enhancing our skills and increasing our knowledge to achieve our personal best;

*Communication* – employees sharing and receiving information as appropriate;

*Leadership* – inspiring the vision, modeling the way and challenging the process;

*Teamwork* – approaching decision-making and problem-solving by involving all employees;

*Continuous Improvement* – striving to be the best is a way of life.

We believe that our commitment is the foundation of all our endeavors to make our community a better place now and for future generations.

### **SECTION 1.02 – Scope**

These policies apply to all City employees and will be followed except where they conflict with contractual obligations, the Charter of the City of Paris, State or Federal Law, or the Rules and Regulations of the City of Paris Civil Service System.

The City Manager, the City Attorney and the Municipal Court Judge are appointed by the City Council and serve at the pleasure of the City Council, subject to any Charter provision or contractual agreements that may exist. Consequently, these employees are not subject to these policies and procedures insofar as the same are in conflict with Charter provisions or contractual agreements or other ethical codes relating to such officers.

All positions other than the City Attorney and Municipal Judge serve at the pleasure of the City Manager.



The Human Resources Director and/or designee are delegated the responsibility for developing, administering, and interpreting these personnel policies and procedures as they apply to all departments and employees, subject to the advice of the City Attorney and review and approval by the City Manager. The Human Resources Director and/or his designee will advise management in all areas of personnel administration, including employee management relations, training and career development and employee health, safety and morale. Department heads and subordinate management personnel are responsible for enforcing the provisions of these policies and for cooperating with the Human Resources office on all related matters pertinent to their organizational units.

Department Heads are responsible for authorizing all personnel actions initiated within their departments. These actions include, but are not limited to: employee selection, pay adjustments, merit raises, promotions, demotions, transfers, and separations. Department Heads have overall responsibility for the administration of discipline within their departments. Such discipline includes, but is not limited to: employee counseling, verbal warnings, written reprimands, suspensions and/or dismissal. This in no way diminishes the authority or responsibility of individual supervisors to maintain order and discipline or to take disciplinary action against employees under their supervision, nor does it limit the City Manager from ultimate oversight of the individual departments.

Department heads may establish rules and policies which apply to their department as long as they are not in conflict with established City rules and policies. For issues covered under Texas Civil Service laws and City policies, the Civil Service laws will take precedence. In such situations, Civil Service employees cannot avail themselves of rights or remedies under these personnel policies and procedures.

### **SECTION 1.03 – At-Will Employment**

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

## **SECTION 2 – EQUAL OPPORTUNITY**

### **SECTION 2.01 – Equal Opportunity Employer**

In compliance with the state and federal laws including Title VII of the Civil Rights Act of 1964 and the American with Disabilities Act of 1991, the City is an equal opportunity employer. No person shall be discriminated against because of race, color, religion, sex, age national origin, disability or any other characteristic protected by law. Disqualification on the basis of physical requirements is prohibited unless such disqualification constitutes a bona fide occupational qualification or essential function necessary to proper and efficient administration of a job.

Employees or applicants, who need reasonable accommodations due to a disability or feel they have been the subject of discrimination, should discuss these circumstances with their Department Head and/or the Human Resources Officer.

### **SECTION 2.02 – Illegal Harassment**

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 discriminating against or harassing citizens, vendors, and other third parties. Harassment of any nature, when based on race, color, religion, sex, age, national origin, disability or any other characteristic protected by law will not be tolerated.

### **SECTION 2.021 – Sexual Harassment**

The City of Paris is committed to maintaining a work environment free from sexual harassment for all employees. Business decisions regarding employment, transfers, promotions, discipline or terminations based on an employee's submission or refusal of sexual advances will not be tolerated.

### **SECTION 2.022 – Definition**

Sexual harassment is a form of gender-based discrimination prohibited by Title VII of the Civil Rights Act of 1964. Sexual harassment is, as defined by the Equal Employment Opportunity Commission, “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct enters into employment decisions and/or the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.”

The two most common forms of sexual harassment are “quid pro quo” and “hostile work environment.” Quid pro quo harassment forces an employee to choose between the job and the demands being made by the harasser. Hostile work environment harassment occurs when there is a repeated pattern of verbally abusive, threatening, crude, impolite or various other types of unprofessional conduct that impairs an employee's ability to perform a job.

Examples of behavior that may be considered sexual harassment are: e-mails or text messages that contain sexually explicit or vulgar demeaning information based on gender, telling sexual

jokes or stories, making sexual innuendos, spreading rumors about a person's sex life, continuous staring at someone, obscene gestures, blocking a person's path, invading a person's body space, brushing up against a person, and massaging a person's neck, or other similar activity.

### **SECTION 2.023 Racial Harassment and Other Illegal 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, color, religion, sex, age, national origin, disability, 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 singles out, denigrates, or shows hostility or aversion toward someone on the basis of race, color, religion, sex, age, national origin, disability, or any other characteristic protected by law. 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 electronic or digital communication such as cell phone, instant messaging, text, tweets, e-mail, social networking sites and other Internet transmissions.

### **SECTION 2.024 – Responsibility of Department Heads/Managers/Supervisors**

All department heads, managers and supervisors are expected to address and correct unlawful harassment in the workplace. Any employee with supervisory or managerial responsibility who becomes aware of unlawful harassment in the workplace must take corrective steps whether or not a formal complaint has been filed and must report all incidents of unlawful harassment to the Human Resources Officer. Managers who fail to properly address unlawful harassment in the workplace may be disciplined up to and including termination of employment. It is the ongoing responsibility of department heads, managers and supervisors to monitor work areas for unlawful harassment and to timely implement the City's policy against unlawful harassment.

### **SECTION 2.025 – Responsibility of Employees; Discipline for Violation of this Policy**

The City does not tolerate any form of unlawful harassment. Employees are to refrain from engaging in any form of unlawful harassment with co-workers, subordinates, citizens, contractors, vendors or any other third-party that they come into contact with as part of their employment with the City of Paris. Employees who are found to have engaged in unlawful harassment will be disciplined. For a first verified violation of this Policy, the offending employee will be suspended without pay for a minimum of three days. The minimum punishment does not preclude the Department Head and/or City Manager from imposing stronger disciplinary action, up to and including termination of employment for a first offense, if the offense merits stronger disciplinary action. A second verified violation of the City's anti-harassment policy by the same employee will result in termination of employment.

Employees who feel they are being unlawfully harassed should contact the Human Resources Officer immediately or as soon as possible. An employee shall report a claim of unlawful harassment to the City's Human Resources Officer as soon as possible, but in no event later than 180 days following the date of incident. Complaints of unlawful harassment received by a supervisor at any level should be forwarded to the Human Resources Officer or designee as soon as possible but in no event later than three (3) business days of the complaint being filed. It is not required that the employee follow the chain of command in issues related to illegal harassment. City management will investigate all claims of harassment with a goal of completing the investigation in thirty (30) days or less. Provided, however, should the investigation take longer than thirty (30) days to complete, the City Manager shall notify the City Council of the reasons for needing additional time to complete said investigation.

### **SECTION 2.03 – Complaint Process**

The City requires that employees report all incidents of discrimination, harassment and retaliation, regardless of the offender's identity or position. While not all incidents of harassment violate the law, the City's policy is to discourage and correct harassment and other inappropriate conduct long before it gets to that point. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to their Department Director, the Human Resources Officer and/or the City Manager.

Employees who desire to file a written complaint should complete a Grievance/Complaint form and submit same to the Human Resources Officer or designee (See Attachment 5 of the Personnel Policy book).

**Investigation.** All reports of conduct in violation of the City's anti-harassment policy will be investigated promptly by the Human Resources Officer. 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. The investigation of the alleged harassment will be treated as confidential to the extent permitted by law.

**Retaliation Prohibited.** Retaliation against employees because they made a good faith charge or report of prohibited conduct or because they assisted in a complaint investigation is prohibited.

**Responsive Action.** The City takes violations of its harassment policy very seriously. Misconduct will be dealt with appropriately. Discipline, up to and including termination of employment will be imposed upon any employee who is found to have violated this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated or where an employee does not cooperate in an investigation.

## **SECTION 3 – HIRING PROCEDURES – NON-CIVIL SERVICE**

### **SECTION 3.01 – Vacancy Identification**

Department heads will notify the Human Resources Director or his designee when vacancies occur and provide a current job description.

### **SECTION 3.02 – Announcement of Vacancies**

The Director of Human Resources or his designee will publicly announce vacancies to be filled in City service positions, except those filled by administrative transfer, temporary promotion or jobs that are filled by a temporary appointment. Certain promotional level positions may be posted internally. Positions may also be posted internally to the City or to a department to prevent layoffs or when there are specific tasks that need to be assigned to an existing position. Jobs will be posted for a minimum of one (1) week. Applications will be accepted for a minimum of one (1) week after the announcement is posted or until position is filled. A copy of each job announcement will be maintained for public inspection.

Like positions that become vacant within 45 days of a posted vacancy may be filled using the same job announcement.

### **SECTION 3.03 – Applications**

When a vacant position is posted, applications for initial employment must be submitted to the Human Resources Office. Employees who desire to transfer will submit their request to the Human Resources Director. In order to ensure that applications or transfer requests are considered they must be received by the closing date on the job posting. No applicant for employment will be considered who is less than eighteen (18) years of age except for certain types of temporary employment upon specific permission from the City Manager. All information submitted in connection with applying for a City position is subject to verification. Applications of unsuccessful applicants will be kept on file for a period of two (2) years.

The Human Resources Director or designee will determine the most appropriate means of evaluating applications in order to identify the most competitive applicants to be interviewed.

### **SECTION 3.04 – Interview/Selection**

The Human Resources Director or his designee and the Department Head or his designee having the vacancy will determine the most appropriate means of evaluating applicants in order to identify the most qualified applicant. It is City policy to select the most qualified person available for a position based upon the knowledge, skills and abilities required to perform the essential functions of the position. An applicant's knowledge, skills and abilities related to the position for which he/she has applied will be judged according to factors such as, but not limited to education, previous experience, personal interview, performance evaluations, references and test results. Other factors may be considered as they relate to the applicants' ability to perform the essential job functions.

An interview Committee, which includes at a minimum, the supervisor of the vacancy and Human Resources Director or designee, will usually interview the top applicants and make a selection subject to approval of the City Manager.

### **SECTION 3.05 – Promotion Policy**

A promotion is the assignment of an employee from a position in one class to a position in another class having a higher maximum salary. It is City policy to provide promotional opportunities whenever possible. A selection process may be limited to City employees or such employees may be given preference in application and/or consideration.

### **SECTION 3.06 – Temporary Promotions**

The City Manager upon recommendation by the Human Resources Officer may authorize a temporary promotion to ensure proper performance of City functions if a position is vacant or its regular incumbent is absent for an extended period of time. Temporary promotions will not be used to circumvent normal selection procedures. Temporary promotions or transfers will not be construed as a promise of transfer or promotion of the employee when the job is filled through the regular procedures. Employees involved will not acquire any status, rights or pay in the classifications to which temporarily promoted or assigned unless it is administratively determined to be appropriate or necessary.

### **SECTION 3.07 – Transfers**

A transfer is the assignment of an employee from one position to another of equal or lower maximum salary. A transfer within a department may be affected at any time by a department head for administrative convenience or upon request of an employee. A transfer to a different department may be made by the agreement of the department heads with approval of the City Manager and with the affected employee being given at least one-week notice of the department change.

### **SECTION 3.08 – Non-disciplinary Demotions**

A demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. With the approval of the City Manager and if qualified to perform the duties of the lower position, an employee may be administratively demoted at his or her own request as an alternative to layoff or when it is to the benefit of the City. Such demotions will not be considered disciplinary actions or disqualify the employees involved from consideration for future advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

### **SECTION 3.09 – Disqualification of Applicants**

An applicant may be disqualified from consideration if he or she:

- A. Does not meet the minimum qualifications necessary for performance of the duties of the position involved;
- B. Has made a false statement or misleading statement on the application form or supplements thereto;
- C. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
- D. Is an alien not legally permitted to work;
- E. Extensive criminal background.
- F. Poor driving record if driving a personal or City vehicle or equipment is a requirement of the job.

An applicant may be disqualified from consideration upon other reasonable grounds related to job requirements.

## **SECTION 4 – APPOINTMENTS**

### **SECTION 4.01 – Type of appointments**

Appointments are designated either regular or temporary. Regular appointments will ordinarily be of indefinite duration and may be made full-time or part-time positions. A regular full time employee is one who works an average of forty (40) hours or more per week on a regular and continuing basis and has successfully completed his/her probationary period. A regular part time employee is one who generally works an average of not less than twenty (20) hours per week on a regular and continuing basis and has successfully completed his/her probationary period. Such employees are considered to be actively employed as long as they are drawing compensation for hours worked or paid leave, or are on administrative leave without pay taken under the Family Medical Leave Act. Limited term regular appointments may be made in unusual circumstances.

All regular appointments are subject to the policies governing probation. All City positions are employment-at-will. This means that all employees of the City of Paris are at-will and are free to resign at any time with or without reason. The City likewise, retains the right to terminate an employee's employment at any time with or without notice.

The City has Fair Labor Standards Act exempt and non-exempt employees. Exempt employees are those as defined by the City Manager. Exempt employees do not receive overtime pay or comp time.

Temporary appointments to regular budgeted positions will ordinarily be limited to ninety (90) day terms. Temporary appointments may also be made for positions requiring seasonal or intermittent performance. Such appointments will be a specified duration of time and may be for a variable number of work hours. Jobs that are filled by a temporary appointment do not have to be posted.

### **SECTION 4.02 – Relatives**

Generally, two members of an immediate family will not be appointed to regular full-time positions in the same department. No employee hired may directly or indirectly supervise or be supervised by a member of his/her immediate family. For the purpose of this policy, immediate family includes an employee's spouse, child, parent, brother, sister, father or mother-in-law, or any relative living in the employee's home.

### **SECTION 4.03 – Residence**

There will be no absolute residence requirements for City employment except as provided by law, however, each department head may establish specific requirements for their department/positions. Employees allowed to operate City vehicles between their places of residence and work are required to reside within the city or within reasonable commuting distance as established by the City Manager.



#### **SECTION 4.04 – Criminal Background/Motor Vehicle Record Check**

Once a decision has been made regarding interest in hiring an applicant an offer will be made contingent upon satisfactory completion of reference checks, criminal background checks, physical examination and/or drug screen. A person who is considered for appointment or reinstatement will be required to provide authorization for the City to do a criminal background check and credit check if the position requires handling money. The criminal background check will also include a motor vehicle record check if the position for which the person is being selected requires driving City vehicles/equipment or his/her personal vehicle in the course of performing the job.

The City reserves the right, on the anniversary of each employee who drives while on duty, to conduct a motor vehicle record check.

#### **SECTION 4.05 – Medical Examinations**

A person selected for initial appointment or reinstatement will be required to undergo a thorough medical examination and drug screen at City expense. Employment will be contingent upon a negative drug screen and successful completion of the medical examination in relation to the essential job functions. The City Manager or designee, acting on information provided by medical personnel will be the final authority in determining medical suitability for employment.

#### **SECTION 4.06 – Civil Service Employment Agreement**

Employees who are hired in Civil Service positions and attend a Police or Fire Academy at the expense of the City will be required to reimburse the City for training and pre-employment testing cost if they voluntarily terminate employment within 36 months of their hire date. At the discretion of the City Manager, this reimbursement may be waived.

#### **SECTION 4.07 – Orientation**

An orientation program will be provided by the Department Head or designee upon hiring or when an employee enters a new position. The orientation program is designed to:

- A. Explain the form of City Government and where the employee fits into the chain of command;
- B. Show the facilities and specific work area(s);
- C. Explain the specific job duties that the employee will be expected to perform;
- D. Discuss the responsibilities of the new job;

- E. Discuss the City's Personnel Policies and Procedures including the Substance Abuse, Sexual Harassment, and Employee Conduct and Use of Equipment policies and have the employee sign an acknowledgment form.
- F. Explain the relationship of the new employee to other employees;
- G. Introduce the employee to co-workers;
- H. Demonstrate the use of equipment to be used on the job;
- I. Explain policies and procedures including motor vehicle record check.

As part of the orientation program, each employee will be given a copy the City of Paris Personnel Policies and Procedures Handbook and will be encouraged to read it carefully. Questions should be directed to the employee's immediate supervisor, department head or the Human Resources Director or designee.

## **SECTION 5 – PROBATION – NON-CIVIL SERVICE**

### **SECTION 5.01 – Purpose**

The purpose of the probationary period is to provide the opportunity for the employee to become adjusted to the new position, to determine if the employee likes the job and to evaluate the employee's job performance. Department heads and supervisors will use the probationary period to closely observe and evaluate the employee's work and to encourage adjustment to the job and the City service. The immediate supervisor and/or department head will frequently discuss job performance with each probationary employee so that the probationary employee knows if his/her work is satisfactory.

Each employee will be evaluated in accordance with the provisions covering performance evaluation in Section 6 of these policies.

### **SECTION 5.02 – Probationary Period**

Employees selected for appointment to a regular budgeted position are considered to be initial probationary employees. The initial probationary period extends for a period of six (6) months. With the City Manager's approval the initial probationary period may be extended a maximum of six (6) months.

Employees promoted to a regular position must also successfully complete a probationary period of six (6) months.

### **SECTION 5.03 – Status**

Initial probationary employees will be eligible for all benefits and conditions of employment with the exception of Health and Life Insurance which have a 90 day waiting period. Although probationary employees accrue vacation leave, they are not eligible to take vacation leave until after the probationary period. Employees who leave within the first year of employment will not be paid for vacation leave balances. All personnel procedures, work rules and standards of conduct apply to probationary employees.

### **SECTION 5.04 – Termination**

An initial probationary employee may be terminated without prior notice or reason for termination. A probationary employee has no appeal rights under section 16.06.

## **SECTION 6 – PERFORMANCE EVALUATION**

### **SECTION 6.01 – Performance Reviews**

A supervisor should review each employee's performance regularly. At each performance review, the supervisor should provide a progress report of the employee's performance. This includes recognizing good performance and identifying any policy violations or work performance issues that are inconsistent with the City's mission. Any performance issues that are identified during the year should be documented and shared with the employee. Areas needing improvement should be called to the attention of the employee immediately. Employee representatives are not allowed during the supervisor's performance review.

The supervisor provides a copy of the performance evaluation form and discusses the job performance factors with the employee when he is hired. The supervisor completes an evaluation prior to the employee completing the first six months of service and on each anniversary thereafter. The supervisor may also complete a performance evaluation when an employee's performance deteriorates and discipline is being recommended

### **SECTION 6.02 – Responsibility of Directors/Managers/Supervisors**

Each director/ manager/supervisor is required to:

- A. Establish expectations so employees know what they are supposed to do and how well they are expected to do it.
- B. Provide orientation and training so that employees learn the skills and knowledge needed to perform up to standard.
- C. Provide employee with tools, materials and other resources to complete job properly.
- D. Provide timely feedback to ensure that employees receive the information needed to improve their performance and achieve and maintain performance expectation.
- E. Hold employees accountable for job performance through regularly scheduled documented conferences. Employee representatives are not allowed in supervisory/management conferences.
- F. Completes performance evaluation to comply with City policy and submits any comments/rebuttals made by the employee in a timely manner to the Human Resources Office.
- G. Takes disciplinary action when appropriate.

### **SECTION 6.03 – Responsibility of Employees**

Each employee is expected to:

- A. Learn what is expected in the job.
- B. Develop job skills by attending and participating in orientation and training as required or other the job opportunities.
- C. Come to work as scheduled and perform the job duties to meet City's expectation.
- D. Inform the supervisor when there are barriers in meeting job expectations.
- E. If the employee chooses to write a rebuttal, to his/her performance evaluation, it is submitted to the supervisor within one week of receiving his/her evaluation.

## **SECTION 7 – CLASSIFICATION – NON-CIVIL SERVICE**

### **SECTION 7.01 – Plan Administration**

The City's Classification plan is the basis for pay for all employees in the classified system. Positions are allocated to approved classifications based on organizational structure, job difficulty, the assignment of duties and responsibilities. The Director of Human Resources or his designee prepares and administers the Classification Plan subject to policies established by the City Manager and/or City Council. The Classification Plan is reviewed annually as part of the budget process.

### **SECTION 7.02 – Position Reclassification**

An employee in a position which is reclassified to a higher classification or grade will be promoted to the new classification and/or grade on the payroll following the reclassification. An employee in a position that is reclassified to a lower grade or salary will be allowed to continue to serve therein with unimpaired status if the duties and responsibilities of the position are not significantly changed or if the employee substantially meets the qualifications prescribed for the new classification. When the position becomes vacant, it will be posted at the classification and grade in which it was reclassified.

## **SECTION 8 – COMPENSATION AND OPERATING HOURS**

### **SECTION 8.01 – Basics**

The Director of Human Resources or his designee will prepare and administer a compensation plan for City employees subject to required City Manager and City Council approvals. Employees will be paid salaries or wages in accordance with the Compensation Plan, which may include one or more salary schedules. In positioning classes or salary schedules, consideration will be given to prevailing rates of pay among employers, the duties, responsibilities and qualifications required of employees in the classes and other relevant factors.

### **SECTION 8.02 – Administration of Range/Salary Schedules (Excludes Civil Service and EMS Employees)**

- A. A new employee will normally be compensated at the minimum step of the approved salary range. In exceptional circumstances, the City Manager may authorize hiring above the minimum step.
- B. A newly promoted employee will ordinarily be compensated at the lowest step of the approved range, which will provide at least a 2.5% increase in pay over that received in the previous class. An employee being laterally transferred will ordinarily continue to receive the same salary and will retain the same eligibility date for pay increase.
- C. Individual increases within range may be granted as specified in the Compensation Plan upon recommendation of department heads, who will give careful consideration to the ability and performance record of each employee.
- D. No employee will be paid more than the rate established in the approved Compensation Plan, except when an employee whose job was downgraded by reclassification or changes in the labor market, through no fault of the employee. The employee may continue to receive his/her former rate of pay until a rate on the new salary range equals or surpasses the current salary of the employee or the employee's job changes.
- E. An employee voluntarily or involuntarily demoted for any reason will be compensated on a step of the new range as administratively determined.

### **SECTION 8.03 – Operating Hours (Excluding Civil Service and EMS Employees)**

City employees normally observe a forty (40) hour workweek. The regular workday begins at 8:00 a.m. and ends at 5:00 p.m. with a one (1) hour lunch break to be set by department heads between the hours of 11:00 a.m. and 2:00 p.m. In order to provide a continuity of service to the public, it is frequently necessary to deviate from the regular workday. In these cases, each individual department head prescribes work hours for the department consistent with the objectives of public service and the mission of the department's office or activity. The

department head, with the approval of the City Manager, prescribes shifts for those activities that require continual staffing.

Relief periods other than meal time may be granted as work permits. If granted, relief periods are limited to fifteen (15) minutes, once in the first half of the work shift and once in the second half. Relief periods are a privilege that will be suspended if they are abused.

Statements regarding normal work days and normal work hours are intended to describe normal conditions only. They are not a guarantee of hours to be worked and may not be followed in abnormal conditions.

#### **SECTION 8.04 – Overtime (Excludes Civil Service and EMS Employees)**

Overtime work is approved work time in excess of the employee's normal work week. The employee's Department Head must approve overtime work including conducting City business on electronic devices outside of regular scheduled work hours. Any time worked by the employee outside of normal working hours must be reported immediately by the employee to the supervisor. Overtime work will normally be authorized only to maintain essential City functions or to accomplish non-routine activities and will be allocated as evenly as possible among all employees qualified to do the work. Employee requests to be excused from overtime work may be approved when possible. Department heads have the discretion to flex employees work schedules in order to prevent accrual of overtime.

At the discretion of the Department Head, employees may elect to receive compensatory leave off or choose to be paid for overtime worked. Department Heads may flex employees work schedules in order to prevent compensatory leave accrual. FLSA exempt employees may not accrue compensatory leave. Employees may not accrue more than 80 hours of compensatory leave. Any exceptions must be approved by the City Manager. Compensatory leave will be taken as provided in Section 14.02. If the employee chooses to be paid for overtime work, such pay will be computed at a rate of one and one-half (1 1/2) times the employee's regular rate of pay.

Exempt employees do not receive compensation for overtime worked; however they are given some flexibility in their work schedules.

#### **SECTION 8.05 – Emergency Duty**

Employees called out to work in emergencies shall be compensated for actual time worked or one hour whichever is greater. Actual time worked shall be rounded off to the next half-hour.

#### **SECTION 8.06 – Emergency Call Back**

Emergency call back means that an employee, who has worked a regular shift, left the work premises and is later called back to duty due to an emergency situation on the same calendar day. The employee must be called back by someone with the authority to do so. Employees will receive call back pay only once in a calendar day. Employees who have been called back will be

paid up to the first three hours of work at time and one-half regardless of the hours worked in the pay cycle or work week. The first three hours of call back time will not apply toward the number of hours needed to work the standard work week or pay cycle. An employee called back will be paid for at least one hour of work. Work time begins when the employee reaches the job site or City facility.

After the employee has worked more than three hours of call back, the employee's rate of pay will revert back to either straight time or time and one-half based on the number of hours that the employee has worked in the pay cycle or work week.

It should be noted that there is no legal requirement under the Fair Labor Standards Act to provide Emergency Call Back Pay.

### **SECTION 8.07 – Pay/Payment Procedure**

The City pays its employees bi-weekly. Employees are required to initial payroll time sheet to indicate that payroll hours are correct. No employee or other person is allowed to initial payroll sheet for other employees. Checks are available at each supervisor's office. An employee who wishes to have his/her check released to another person must make submit a written request.

Questions about payroll errors should be immediately brought to the attention of the employee's supervisor and Finance Office. Except in extreme circumstances, any payroll errors will be adjusted in the next pay check.

Pay for overtime work will be made in the pay period in which the work is done. Payroll deductions may include Federal taxes, F.I.C.A (Social Security) pension payments, insurance premiums and any other deduction either required by law or authorized by the Finance Director.



## **SECTION 9 – NON-DISCIPLINARY SEPARATIONS**

### **SECTION 9.01 – Resignation/Voluntary Termination**

An employee may leave City service in good standing if performance is satisfactory and he/she submits a notice of resignation in writing at least ten (10) working days prior to the effective date of termination. The City Manager may waive any portion of the notice period.

Upon termination, employees must return any and all properties of the City prior to receiving their last paycheck.

### **SECTION 9.02 – Layoff**

When the City has to implement a layoff, employees will be allowed to volunteer for the layoff. Whenever possible, an employee laid off from one City department will be transferred to a suitable position elsewhere. At least two weeks' notice shall be given an employee prior to layoff or he/she will be given two (2) weeks' severance pay.

Layoffs will be implemented on the basis of demonstrated job performance and efficiency based on the opinion of the Department Head, with the most proficient employees being retained the longest. Seniority within City service may be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency with the most senior employees being retained the longest. Temporary and probationary employees will be laid off before regular employees performing similar duties. Layoffs will not be considered disciplinary actions.

Layoff of Civil Service employees will be governed by Civil Service Rule.

### **SECTION 9.03 – Unable to perform Essential Job Functions due to a Disabling Condition**

An employee may be separated due to his/her inability to perform the essential functions of the position due to a disabling condition. Medical information may be required to make this determination.

### **SECTION 9.04 – Retirement**

Retirement is defined as no longer being actively employed by the City and receiving a monthly annuity from Texas Municipal Retirement System (TMRS) or Paris Firefighters Relief and Retirement Fund (PFRRF). Eligible employees may leave employment in accordance with applicable programs and laws. Employees who contribute to TMRS are eligible to retire with five (5) years of continuous service at age 60. Employees are also eligible to retire after twenty (20) years of service at any age. Employees who contribute to the PFRRF are eligible to retire after 20 years at age 55 or when years of continuous service plus age equals 80.

### **SECTION 9.05 – Procedures**

Non Disciplinary terminations which include layoffs, excluding voluntary resignations, will be reviewed and approved by the Human Resources Director or his designee and the City Manager based on Sections 9.02, 9.03, and 9.04.

### **SECTION 9.06 – Exit Interviews**

Exit interviews may be held with employees who leave City employment due to voluntary resignation, permanent layoff, or retirement. The Personnel Officer or Department Head will conduct the exit interview. An employee may refuse to participate in the exit interview without reprisal.

## **SECTION 10 – RETURN TO CITY EMPLOYMENT**

### **SECTION 10.01 – Definitions**

- A. Re-employment - A person who provides a two-week notice and resigned in good standing is eligible for re-employment. An employee will be considered resigning in good standing if he/she is meeting job requirements and was generally following the City's policies and procedures at the time of resignation. A person who was separated for inability to perform essential functions of the job due to a disability may be re-employed provided the former employee is able to perform the essential functions of the job.
- B. Reinstatement - A person who was laid off, including former temporary employees separated upon completion of duties may be routinely reinstated to work if recalled within one year of termination, otherwise, the employee will be re-employed. An employee reinstated to work will return with the seniority possessed at the time of layoff.

### **SECTION 10.02 – Veterans**

Employees who leave City Service in good standing to enter on active or reserve duty with the armed forces of the United States will accrue seniority and be eligible for reinstatement in accordance with applicable state and federal laws.

### **SECTION 10.03 – Restoration of Credits**

Persons reinstated under Sections 10.01B and 10.02 with previously earned service or leave credits for which they did not receive payment at the time of separation will have their credits restored up to any maximum permitted accumulation, following reinstatement.

## **SECTION 11 – SAFETY AND HEALTH**

### **SECTION 11.01 – Working Conditions**

The City attempts to maintain working conditions that afford employees a reasonable degree of comfort, protection from injury or dangerous situations, and assure orderly and efficient performance of duties.

### **SECTION 11.02 – Safety Regulations**

Employees are expected to work safely, observe safety regulations, report accidents, unsafe conditions and wear appropriate safety equipment. The City will provide safety equipment when it is deemed necessary and appropriate. Employees are expected to be familiar with all safety regulations as posted. Violations of safety regulations and policies could result in disciplinary action up to and including termination.

### **SECTION 11.03 – Accident Reporting**

If it is required that an employee use a motor vehicle in the scope of performing his/her job, personal or City owned, moving violations as well as accidents, no matter how minor, are to be reported immediately to the employee's supervisor and the Human Resources Office. Accidents do not have to be job related. Copies of the accident report must be submitted to the Department Head, the Human Resources Director and the City Attorney as soon as possible, but no later than five (5) calendar days after the accident.

Any motor vehicle accident while on duty and involving damages to a non-city-vehicle or property must be investigated by the police department. However, any accidents involving only City vehicles with less than \$500 in damages do not have to be investigated by the police department.

## **SECTION 12 – PROCEDURES FOR GRIEVANCES AND APPEALS (EXCLUDES CIVIL SERVICE EMPLOYEES)**

### **SECTION 12.01 – Grievance Policy (other than disciplinary)**

For disciplinary grievances and appeals, see section 16.06.

It is the policy of the City to give regular employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible. In the presentation of grievances at any level, employees are assured of freedom from restraint, interference, discrimination or retaliation. Civil Service employees are not subject to this section and rely exclusively on the remedy set forth in the Civil Service Law.

Any City employee who desires to file a grievance regarding inconsistent and/or unlawful treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and/or working conditions, has the right to file a grievance. Matters of general policies even as applied to specific employees are not subject to the grievance procedure. The grievance must be filed within five (5) workdays after the date of the incident or effective date of the decision about which the employee is grieving. Civil Service employees will follow procedures set forth in the Civil Service Law.

### **SECTION 12.02 – Grievance Procedures**

**Verbal Grievance:** An employee who has a grievance will first present the grievance orally to his or her Department Head or designee within 5 days of incident to see if they can come to a resolution.

- A. **Written Grievance:** If the verbal grievance process fails to settle the grievance, the employee may within five (5) working days of the oral decision, submit a written grievance form to his/her Department Head. Such grievance must be filed within five (5) working days in order to be considered. Within ten (10) working days after receiving such grievance, the Department Head or designee will furnish the employee with a written reply to the grievance.
- B. **Appeal to Human Resources Director:** If the written reply to the grievance is not satisfactory to the employee, the employee may, within five (5) working days after receiving the response from the Department Head, submit the grievance in writing to the Human Resources Director or designee. The Human Resources Director or designee will confer with the aggrieved employee, the employee's Department Head and any pertinent witnesses if applicable as determined by the Human Resources Director or designee. The Human Resources director or designee will make a recommendation to the City Manager within ten (10) working days of conference with the grievant. The grievant will be notified in writing of the City Manager's decision.
- C. If the employee still is not satisfied with the decision, he may appear before the City Manager at such date and time determined by the City Manager to discuss grievance.  
The City Manager's decision rendered after this appearance is final.

## **SECTION 13 – PERSONNEL RECORDS**

### **SECTION 13.01 – Inspection**

Personnel records of all employees are maintained in the Human Resources Office. Each employee may inspect his/her personnel file as often as necessary. Such inspection must be made during normal office hours and must be in the presence of a Human Resources staff member. Employees may obtain copies of information contained in their personnel file and may request that other information be included in their personnel file.

Employees may designate specific information in their personnel record as private as authorized by State Law. Medical information maintained on employees by the City is maintained in a separate medical file and is confidential based on the Health Insurance Portability and Accountability Act. The Human Resources Office will make every effort to maintain the confidentiality of City personnel files to the extent that it is allowed by law.

Personnel records for Civil Service employees shall be maintained in accordance with Civil Service regulations and the Civil Service Act. The Personnel Master File is designated as the Civil Service Director's file for fire and police employees.

### **SECTION 13.02 – Changes in Employee Information**

Each employee is responsible for notifying the personnel office of any change in the following:

- A. Name, address and telephone number of the employee;
- B. Name, address and telephone number of person to be notified in case of emergency;
- C. Number of dependents to be declared on tax forms;
- D. Driver's license Status;
- E. Educational degrees or certification;
- F. Outside employment (Section 15.6);
- G. Job related health or disabilities;
- H. Relatives working for City;
- I. Beneficiaries in the group life insurance policy;
- J. Beneficiaries for death benefits in the retirement plan.

### **SECTION 13.03 – Personnel Master File**

The Personnel Master file is maintained in the Human Resources Office. The following information is typically included in the Master file:

- A. Application forms
- B. Disciplinary actions
- C. Performance evaluations
- D. Payroll information
- E. Copies of acknowledgment forms
- F. Employee data information sheet

### **SECTION 13.04 – Department Personnel File**

The Department Director or his designee maintains the Department personnel file. The following items should be maintained in the department personnel file:

- A. Copies of application forms
- B. Conference notes
- C. Copies of Payroll information
- D. Copies of disciplinary actions
- E. Copies of performance evaluations

The Department personnel file should not include medical information. All medical information should be maintained in the employee's medical file which is maintained in the Human Resources Office.

## SECTION 14 – BENEFITS AND SERVICES FOR EMPLOYEES

### SECTION 14.01 – Holidays

New Year's Day, Martin Luther King's Birthday, Good Friday, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day and the Friday following, Christmas Eve and Christmas Day are observed as official holidays for all City employees in accordance with the following policies:

- A. As many employees as possible are given each holiday off consistent with the maintenance of essential City functions. Employees in departments whose duties require the conduct of scheduled work on holidays, receive additional leave days (8 hours per day, Fire and Emergency Medical Services 12 hours per day, ) to equal the number of holidays worked or may choose to be paid the extra hours of holiday time in the same payroll period that the holiday occurs. Thirty (30) is the maximum number of holidays that can be carried forward from one calendar year to the next.
- B. Excluding those employees who work 24/48 shifts, a holiday is considered to be an 8 hour day. For those employees who work 24/48 shifts, a holiday is considered to be a 12 hour day. Non-exempt employees who have a work day that exceeds 8 hours will have to take leave for any time taken off on a holiday that exceeds 8 hours. Employees who are required to work on a holiday and their regular work day exceeds 8 hours will only receive 8 hours of holiday leave.
- C. Full-time, regular employees are entitled to paid holidays. Part-time regular non-employees will receive holiday pay in proportion to the percentage of time that they work. (Example, if a part time employee is employed 50% of the time; the employee will only receive 4 hours for a holiday. If the employee chooses to take the whole day, the employee would have to take 4 hours of additional leave). Part-time exempt employees will receive holiday pay in proportion to the percentage of time that they work.
- D. If a regularly scheduled holiday falls on a Saturday or Sunday, the holiday is taken on a Friday or Monday respectively.
- E. If an employee is absent from work due to illness on the day before or the day after an authorized holiday, the Department Head may require that the employee present a doctor's statement confirming the illness, before the employee receives pay for the holiday.
- F. An employee on leave of absence without pay status on the scheduled work day immediately preceding or following a holiday is not paid for the holiday.
- G. Employees desiring to observe religious holidays not coinciding with official holidays are given time off without pay or may be authorized to use accrued vacation leave.



## **SECTION 14.02 – Compensatory Leave**

Non-exempt employees other than Civil Service and Emergency Medical Services who physically work in excess of 40 hours in the work week can earn compensatory leave. Civil Service Fire and Emergency Medical Services staff who physically works more than 212 hours in a 28-day pay cycle can earn compensatory leave. Civil Service Police staff can earn compensatory leave when they physically work more than 80 hours in a pay period. Employees who work overtime will earn 1 ½ hours of compensatory leave for each hour worked with a maximum accrual of 80 hours. Any exceptions must be approved by the City Manager.

Compensatory leave cannot be transferred. Employees should receive prior authorization from supervisor prior to taking compensatory leave. Employees who terminate employment will be paid for any compensatory leave balance.

Under the Fair Labor Standards Act (FLSA) certain employees do not have to be paid overtime compensation. Although exempt employees generally do not receive overtime compensation, they are allowed some flexibility in their work schedule. Exempt employees who take time away from the job equal to one day should report that time as vacation taken for payroll purposes.

## **SECTION 14.03 – Vacations**

Non-Civil Service regular full time employees earn one (1) day of paid vacation per month of completed employment and become eligible to take accrued vacation upon successful completion of their probationary period. After one year of service, such employees earn (1 1/4) days of paid vacation per month of completed employment. After the tenth consecutive year of full-time employment, such employees earn one and one-half (1 1/2) days of paid vacation per month of completed employment. After the fifteenth consecutive year of full-time employment, such employees earn one and three-fourths (1 3/4) days of paid vacation per month of completed employment. After the twentieth consecutive year of full-time employment, such employees earn two (2) days of paid vacation per month of completed employment. Forty (40) days is the maximum number of vacation days that can be carried forward from one calendar year to the next.

Part-time regular employees earn paid vacation in the proportion that their regularly scheduled work period bears to the regularly scheduled work week of full-time employees in the same division or department.

Vacation leave is administered according to the following policies:

- A. Although employees are encouraged to take vacations in full week segments, vacations can also be taken in units of half-days and whole days.
- B. Vacations may be taken at any time during the year. Vacation time, however, must be scheduled in advance by the Department Head considering the needs of the organization and the wishes of the employee.

- C. Except in extraordinary circumstances, vacation time must be requested at least one week in advance.
- D. Employees being laterally transferred, promoted or demoted retain accrued vacation leave.
- E. Vacation leave is not advanced to employees. Vacation leave cannot be transferred.
- F. During vacation leave, the employee is paid the equivalent rate of his/her regular salary.
- G. If a holiday falls within an employee's vacation time, the leave is not charged to vacation.
- H. No employee may accrue more than 40 days of vacation leave.
- I. No employee is paid for unused vacation leave if the employee leaves City employment during the first year of employment. Upon termination, employees in good standing with more than one (1) year of continuous employment will be paid for any unused vacation up to the maximum accrual of forty (40) days.
- J. Vacation leave is not accrued while the employee is on leave without pay or on Worker's Compensation unless the employee is also taking paid leave.
- K. A Civil Service employee who is temporarily suspended or indefinitely suspended shall exhaust all appeal rights before any payment of accumulated vacation.

#### **SECTION 14.04 – Attendance Holidays**

Interruption of work programs caused by employee absence is costly. In order to encourage work attendance, certain employees will earn one (1) attendance holiday after the completion of each quarter of the City's fiscal year subject to the following policies:

- A. All qualified employees who have not taken sick leave, funeral leave, workers compensation leave, leave without pay, injury leave or vacation pay in lieu of sick leave during the work quarter will receive an Attendance holiday. Any Family Medical Leave taken during the quarter will disqualify an employee from earning an Attendance holiday. A disciplinary suspension during the work quarter does not disqualify an employee from earning the attendance holiday
- B. Attendance holidays will be taken after prior approval has been received from the supervisor.
- C. Only full time employees are eligible for Attendance holidays.

## **SECTION 14.05 – Sick Leave**

Regular employees are eligible for sick leave with pay after their first full month of service if illness occurs. Part-time employees receive pro-rated benefits. Temporary employees do not receive sick leave benefits.

Sick leave is accrued at the rate of one and one-quarter (1 ¼) working days for each full month of employment. A maximum amount of one hundred and thirty-five (135) days of sick leave may be accumulated against future illness. Accumulated sick leave balances will not be paid out upon termination for non-civil service employees. For Civil Service employees, sick leave pay out upon termination will follow Chapter 143 of the Local Government Code. Sick leave will be allowed in accordance with the following policies:

- A. Sick leave will be granted only for absence from duty because of personal illness, injury, medical appointments, or when needed for illness in the immediate family. Immediate family includes an employee's spouse, child, parent, father-in-law, mother-in-law or family member for whom the employee is the primary caregiver.
- B. Notification of illness and request for sick leave must be made to the supervisor, or as otherwise provided by department policy, prior to the beginning of the scheduled workday; or as soon thereafter as possible.
- C. A doctor's statement verifying the illness or injury or a statement suitable to the department head confirming a legitimate use of sick leave is required after three (3) consecutive missed days or, any time deemed appropriate by the supervisor. If a doctor's statement is not received, the City reserves the right to charge the days of work missed to vacation leave.
- D. Sick leave may be granted for up to 10 days for the birth or adoption of a child unless there is a serious illness or injury to the child or birthing parent; a condition that meets the definition of a "serious health condition" in section 14.062 of these policies.
- E. The City may request an employee to provide verification of the circumstances surrounding any use of sick leave including satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment.
- F. Frequent claiming of the benefits under this section may indicate an inability to successfully perform the position's essential job functions regardless of the amount of leave accumulated. Abuse/overuse of sick leave may constitute grounds for termination from employment or disciplinary action by the director.
- G. Pay shall discontinue when authorized leave is exhausted.
- H. If an employee becomes ill or injured during vacation, he/she may request that the vacation be terminated and the time of illness or injury be charged to sick leave.

- I. False claims for sick leave are subject to disciplinary action.
- J. Sick leave may not be traded for compensatory or vacation time.
- K. Sick leave may not be transferred. The City does not maintain a sick leave pool.
- L. Maternity leave will be treated like any other illness.
- M. Sick leave cannot be used while off the job due to a work related injury except for Civil Service employees as specified in Civil Service Law.
- N. Sick leave is not accrued while the employee is on leave without pay or on Worker's Compensation unless the employee is also taking paid leave.
- O. A Civil Service employee who is temporarily suspended or indefinitely suspended shall exhaust all appeal rights before the City is obligated to pay any accumulated civil service sick leave as prescribed under Chapter 143.
- P. On November 1<sup>st</sup> of each year, employees not regulated by the City of Paris Civil Service System, may at his/her option sell back certain portions of accrued sick leave. Criteria for the sell back eligibility are as follows:
  - 1. The employee must have accumulated at least thirty-five (35) days of unused sick leave as of October 1. Sick leave accumulated prior to 9-30-13 may be used to meet the thirty-five (35) day minimum balance requirement. However, sick time accrued prior to 9-30-13 will not be eligible for sell back.
  - 2. Only full, regular days of sick leave and no less than five (5) days up to a maximum of ten (10) days may be sold back at one time.
  - 3. Compensation rate for the sell back will be 75% of total pay rate on the date the check is processed.
  - 4. Sick leave balance used for sell back calculation is the amount accrued on October 1, of each year.
  - 5. Employees who have used more than five (5) days of sick leave during the twelve (12) month period immediately prior to October 1, are not eligible for sell back that year.
  - 6. In no case can sick leave balance after sell back be less than thirty (30) days.
  - 7. In order to be eligible for sell back, the employee must be employed on the date the sell back pay is paid. Upon termination, an employee is not entitled to be paid for accumulated sick leave.

## **SECTION 14.06 – Family and Medical Leave**

The Family and Medical Leave Act (FMLA) requires covered employers (the City is a covered employer) to provide eligible employees with up to 12 weeks per year of leave, with protection of the employee’s job and continued medical benefits, for the following qualifying conditions:

- A. To care for the employee's newborn son or daughter;
- B. Because of the adoption or foster care placement of a child with the employee;
- C. To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- D. Because of the employee's own serious health condition.
- E. Leave taken by an employee due to a family member who is a veteran and is being called to active duty or to provide care to a veteran who was injured or became ill while on active duty may be extended up to 26 weeks in a calendar year.

## **SECTION 14.061 – Eligibility**

Generally, employees are eligible for family and medical leave if they have worked for the City for at least 12 months and have worked at least 1,250 hours in the previous 12 months. The 12-month period will be a rolling 12 months which will be measured back from the date that an employee last uses FMLA leave.

## **SECTION 14.062 – Definitions**

**Serious health condition** is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” test for a serious health condition under the regulations may be met through (1) a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment (the employee’s first treatment visit or only visit, if coupled with a regimen of continuing treatment must take place within seven days of the first day of incapacity), (2) any period of incapacity related to pregnancy or for prenatal care, (3) any period of incapacity or treatment for a chronic serious health condition, (4) a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or (5) any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.

**Parent** is the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

**Son or daughter** is a biological, adopted, or foster child, stepchild, legal ward, or a child the employee is standing in loco parentis, who is under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability.

#### **SECTION 14.063 – Leave Requirements**

Although the law requires that the employee be granted 12 weeks of unpaid leave for a family medical leave condition, the employer may require that paid leave otherwise provided under the employer's existing policies be used as a substitution for unpaid leave. This means that any paid sick leave or vacation leave taken due to a serious health condition will run concurrently with and will be counted toward the 12 weeks of family and medical leave. Employees cannot utilize sick leave when they are off the job due to a work related injury except for Civil Service Employees as specified in the Civil Service Law. Time away from the job due to a work related injury will be counted as family and medical leave if the injury is considered a serious health condition. Sick leave may not be taken while on family medical leave if it is due to a work related injury. Employees will be allowed to use vacation or holiday leave while off the job due to a work related injury. The City has opted to require that employees utilize accrued sick leave as appropriate and vacation leave simultaneously with unpaid leave when it is taken for a family medical condition. Employees who do not have enough paid leave to cover the duration of their family medical leave will be granted leave without pay. During the time that the employee is on family and medical leave, the City will continue to make the regular contribution toward the employee's insurance premium although paid leave may be exhausted. Compensatory leave will not be counted toward family medical leave.

#### **SECTION 14.064 – Intermittent Leave**

Leave taken for a serious health condition need not be taken in a continuous block of time; it may be taken on an intermittent basis or via a reduced leave schedule.

#### **SECTION 14.065 – Employee Responsibility**

Employees requesting family and medical leave should complete form FMLA-1 and provide completed form FMLA-2 from their health care provider to certify that the employee, employee's spouse, child or parent has a serious health condition.

#### **SECTION 14.066 – Department Head/Manager/Supervisor's Responsibility**

When an employee requests or when the supervisor receives knowledge that the employee is on leave due to illness of the employee, spouse, child or parent, the supervisor should determine if the illness is considered a family and medical leave condition. Supervisors must designate any paid or unpaid leave that is taken for a family medical condition as family medical leave. The supervisor and or Department head requests that the employee complete form FMLA-1 and provides to the employee a form FMLA-2 for the physician to complete. The supervisor and or the Department Head complete form FMLA-3 and gives to the employee to notify the employee

of a family and medical leave condition. Notification must occur immediately but no later than 48 hours after the supervisor has received notice of a family and medical leave condition and before the employee returns to work. The beginning leave date will be the first day of leave that the employee took related to the condition. The supervisor may not designate family medical leave after the employee returns to work from the family medical condition unless it is a chronic medical condition that has previously been designated as a family medical condition or the process of securing information to determine if the illness is a family medical leave condition was initiated before the employee returned to work.

#### **SECTION 14.07 – Military Leave**

Any employee who is called to active duty as a member of the National Guard or a military reserve unit of the United States is entitled to leave of absence rights, reinstatement rights in accordance with applicable state and federal laws.

#### **SECTION 14.08 – Administrative Leave With Pay**

An employee ordered not to report or who cannot report to work because of inclement weather or disaster or other administrative reason may be granted administrative leave with pay by the City Manager. The City Manager may also grant administrative leave with pay for up to five (5) days to work in a disaster area.

Employees will be granted sufficient administrative leave with pay when necessary (work hours begin before and extend beyond the hours of the poll); in order to vote in an official election, or to take job related license examinations. Employees called for jury and/or witness service will be granted administrative leave with pay during such service and will retain any fees paid by the courts. Employees excused or released from jury and/or witness service will report to their workstation in accordance with departmental instructions if half or more of the day remains.

#### **SECTION 14.09 – Authorized Leave Without Pay**

Employees may be authorized by the Department Head to take leave without pay for up to three (3) months during a 12 month period; however in unusual circumstances, the City Manager has the option of approving up to an additional three (3) months of leave without pay. Leave without pay may be taken under such terms and conditions as may be mutually agreeable between the employee, his/her department head and the City Manager. After exhausting all authorized leave without pay, if the employee is not able to perform the essential job functions, the employee will be terminated.

A request for such leave must be made to the employee's Department Head prior to taking leave. An extension of the three (3) months of leave without pay must be requested by the Department Head in writing and approved by the City Manager prior to the employee taking additional leave. Length of service, employee's previous utilization of leave, quality of performance, the urgency of need and the City's interest will be considered prior to approving the request. If an employee is eligible for Family and Medical Leave and has exhausted all paid leave benefits, leave without pay must be approved until family medical leave is exhausted.

Fringe benefits accrued at the time of departure will be carried over to the time of return. However, no fringe benefits will be accumulated during the period of absence.

Employees must notify the department head of his/her intention to return to work from authorized leave without pay as soon as possible. Not returning to work within three (3) working days after expiration of a leave of absence is considered a resignation.

#### **SECTION 14.10 – Funeral Leave**

Upon the death of a member of an employee's immediate family, the employee may receive up to 24 hours (three 8 hour work days) off the job to attend the funeral, make any necessary arrangements, and travel to and from the funeral if out of town and/or assist in settling the estate. Part-time employees' funeral leave will be prorated in proportion to the amount of time that they work (ex. An employee who works 50% of the time would only be granted 12 hours of funeral leave).

For purposes of this policy immediate family members include: spouse, child, step-child, parent (or someone who served in a parent/child relationship with the employee), step-parent, sister, brother, step-sister, step-brother, grandparent, step-grandparent, parents-in-law, grandchild, step-grandchild, brother-in-law, sister-in-law, niece or nephew, and relatives residing in the employee's home.

Funeral leave is paid time off. An employee may arrange additional time off with the approval of his/her Department Head. Any additional time off will be charged to, and limited by any accrued leave time. Substantiation of an employee's use of funeral leave may be required.

#### **SECTION 14.11 – Injury Leave**

Civil Service employees must be granted injury leave with full pay, for up to one (1) year as required by Civil Service Law or until the employee is able to return to duty, whichever comes first. Injury leave applies only to Civil Service Employees.

#### **SECTION 14.12 – Worker's Compensation/Return to Work**

Employees who are injured on the job must report the injury to their supervisor immediately but no later than 24 hours of injury. The supervisor must complete the City of Paris Supervisor's First Report of Injury form immediately upon receiving a report of injury from the employee and submit to the Finance Office.

After an injured employee is off the job for five days and is unable to return to full duty, he/she will receive Worker's Compensation benefits only, unless the employee elects to supplement Worker's Compensation with paid leave. Worker's Compensation may be supplemented with all accrued leave with the exception of sick leave. The employee may use paid leave, other than sick leave, for the first five (5) days that he/she is off the job or to supplement Worker's Compensation after the initial waiting period (see Section 14.063). After all vacation, comp, holiday or attendance holiday leave is exhausted; the employee will receive only Worker's



compensation which will not be paid at 100% of the employee's salary. If the employee is on leave without pay due to Worker's Compensation (the employee is not utilizing leave), the employee does not accrue leave benefits. The supervisor may periodically require the employee to provide verification of his/her inability to perform the essential job functions.

The City of Paris is committed to providing a safe place for our employees to work. Our early return to work program provides opportunities for an employee who is injured on the job to return to work at full duty. If the injured worker is not physically capable of returning to full duty, the program provides opportunities to perform his or her regular job with modifications (not to exclude any essential job functions) or, when available, to perform alternate temporary work that meets the injured worker's physical capabilities. Alternate duty is limited to six (6) weeks in duration. The employee may be paid at a different rate of pay which will be pay that is comparable to the duties that the employee is performing. When the manager is considering alternate temporary work, he/she should contact the HR Director or designee for approval. Managers are to ensure that job modifications or alternate duty assignments do not extend beyond six (6) weeks.

#### **SECTION 14.13 – Health Insurance**

Health insurance coverage through the City's group health insurance provider is mandatory for all regular full-time City employees except for those employees who provide written proof that they are covered under military health insurance. City employees who are exempt from coverage under the City's group insurance plan are not entitled to receive funds budgeted by the City for employee medical benefits.

The cost of employees' insurance benefits will be established by the City Council. This coverage begins ninety (90) days from the date of employment. The company providing coverage will be made known to employees at the time of employment. If necessary, the City reserves the right to substitute another carrier with similar insurance. Complete details on the extent of coverage are available in the Human Resources Office. Coverage is available for dependents at the employee's expense.

Where City policy is in conflict with the City's group health insurance provider's eligibility guide, City policy shall be followed.

#### **SECTION 14.14 – Life Insurance**

Life insurance is available to all regular full time employees. This coverage begins ninety (90) days from the date of employment. If necessary, the City reserves the right to substitute another carrier of similar insurance. Complete details of the life insurance will be made available to each employee. The cost of the premiums for life insurance will be paid entirely by the City.

#### **SECTION 14.15 – Continuation of Health Insurance after Termination**

The Consolidated Omnibus Budget Reconciliation Act 1986 (COBRA) gives workers and their families who lose their health benefits the right to continue group health benefits provided by

their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, death, divorce and other life events. Qualified individuals will be required to pay the entire premium for coverage up to 102 percent of the cost of the plan. Each employee/dependent losing coverage due to a qualifying life event will receive a COBRA notice.

Employees who are terminated due to gross misconduct are not eligible to receive COBRA benefits.

#### **SECTION 14.16 – Retirement Plan**

Employees are covered by two (2) kinds of retirement programs: Texas Municipal Retirement System (TMRS) and Paris Firefighters' Relief and Retirement Fund (PFRRF). The coverage is provided from the date of employment for TMRS and from date of Fireman's Pension Board approval for PFRRF. Employees who fill a regular budget position and work at least 1000 hours per year in a regular appointment must be covered by Texas Municipal Retirement System.

#### **SECTION 14.17 – Retiree Health Insurance**

Health insurance is available to all retirees; however current employees who retire on or after October 1, 2004 will have to meet a Rule of 80 in order for the City to share in any of the cost of health insurance. This means that the number of cumulative years of service with the City of Paris plus the employee's age must equal 80 before the City will share in the cost of the retiree's insurance premium. Health insurance coverage ends when the retiree becomes age 65 or in certain circumstances, when the retiree becomes eligible for Medicare/Medicaid.

Employees who are hired on or after October 1, 2004 will have access to the City Group Health Insurance Plan upon retirement; however, the employee will be responsible for the full cost of their health insurance premium. Health insurance coverage ends when the retiree becomes age 65 or in certain circumstances, when the retiree becomes eligible for Medicare/Medicaid.

#### **SECTION 14.18 – Public Safety Officer Health Benefits**

The City of Paris is a recipient of Local Law Enforcement Block Grants; therefore, must comply with the Public Safety Officers' Health Benefits (PSOHB) provision of Section 1204 of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. This provision states that a unit of a local government must provide the same or better level of health insurance benefits to a public safety officer who retires or is separated from service, as a direct or proximate result of a personal injury sustained in the line of duty while responding to a hot pursuit or emergency situation, as the officer was receiving while on active duty.

#### **SECTION 14.181 – Definitions**

**Emergency situation is defined as, “any situation in which life or property is in danger.”**  
**Firefighter is defined as, “an individual serving as an officially recognized or designated member of a legally organized fire department or an officially recognized or designated public employee member of a rescue squad or ambulance crew.”**

**Law enforcement officer** is defined as, “an individual involved in crime and juvenile delinquency control or deduction, or enforcement of the laws including, but not limited to police, correction probation, parole and judicial officers.”

**Public agency** is defined as, “the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing.”

**Public safety officer** is defined as, “an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or rescue squad or ambulance crew.”

### **SECTION 14.182 – Coverage**

All injuries that are sustained by a law enforcement officer, firefighter, rescue squad or ambulance crew member as a result of a “hot pursuit” or “emergency situation” that is deemed work related by Worker’s Compensation will be covered under the Public Safety Officers’ Health Benefit Provision if the injury results in the employee retiring or terminating employment.

### **SECTION 14.19 – Professional Dues, Fees, Recertification and Education**

The City will pay for professional dues, fees, recertification costs, and tuition as needed and related to the employee’s job.

### **SECTION 14.20 – Travel**

Employees who travel on official City business are entitled to reimbursement for the following expenses:

1. Lamar County event expenses (non-vehicle)-
  - a. Senior staff members who attend social, celebratory, or charitable events occurring in Lamar County shall be eligible for reimbursement of their expenses by the City only upon request in advance by the senior staff member and approval by the City Council.
  - b. Reimbursement for attendance at the events enumerated herein shall be limited exclusively to the actual out of pocket expenses incurred by the City staff member. Costs incurred on behalf of spouses or guests shall not be eligible for reimbursement. Attendance at such events occurring in Lamar County not approved in advance shall not be eligible for reimbursement.
  - c. Luncheon costs incurred by senior staff members at local restaurants within Lamar County shall be eligible for reimbursement only when such costs were incurred by the staff member in furtherance of that staff member’s official responsibilities, and were

- incurred on behalf of special consultants to the City; were incurred associated with the staff member's attendance at committee, board, or other group programs that require the staff members attendance because the staff member is a member of the governing body of said entity; or were incurred as part of the interview process for potential job applicants.
2. Use of Personal vehicle-
    - a. For employees who do not receive a car allowance as part of their established compensation package, the use of a personal vehicle while on official City business shall be reimbursed at the most current per mileage rate established by the U.S. Internal Revenue Service(IRS)
    - b. For employees who do receive a car allowance as part of their established compensation package, the use of a personal vehicle while on official city business outside of Lamar County shall be reimbursed at the most current per mileage rate established by the U.S. Internal Revenue Service(IRS); there shall be no reimbursement for use of a personal car inside Lamar County.
  3. Airfare-Reimbursement of actual out of pocket expenses for only economy fare.
  4. Food and incidental expenses – reimbursable on a per diem basis following the most current IRS schedule for such costs for the respective travel location. If travel does not require an overnight stay, no reimbursement shall be given.
  5. Registration Fees – Reimbursement of actual out-of-pocket expenses.
  6. Lodging –
    - a. Actual out-of-pocket expenses shall be reimbursed for lodging in an event-designated hotel.
    - b. For lodging other than in an event-designated hotel, reimbursement shall be for the lesser of the actual out-of-pocket expense, or an amount based on the current IRS schedule for lodging for the respective travel location.
  7. Advances – where costs can be determined in advance of travel, the employee may request an advance of the designated costs, provided such request is received by the Finance office at least ten (10) working days prior to the travel. Otherwise, all costs will be reimbursed to the employee following the event.

#### **SECTION 14.21 – City Council Business and Travel Expenses**

City Council members who travel are expected to exercise good judgment when incurring business and travel costs. All travel must be related to official City business. All costs for business and travel must be reasonable. The City Council will make the final determination as to what constitutes “reasonable” business and travel expenses. City Council members who engage

in City business and travel on City business are entitled to reimbursement for the following expenses:

1. Event expenses:
  - a. City Council members who attend social, celebratory, or charitable events occurring in Lamar County shall be eligible for reimbursement of their expenses by the City only if attendance at the event was approved in advance by the City Council in accordance with Resolution No. 2004-081.
  - b. Reimbursement for attendance at the events enumerated herein shall be limited exclusively to the actual out of pocket expenses incurred by the Council member. Costs incurred on behalf of spouses or guests shall not be eligible for reimbursement. Attendance at such events occurring in Lamar County and not approved in advance by the City Council shall not be eligible for reimbursement.
2. Use of Personal vehicle:
  - a. The use of a personal vehicle by a Council member while on official City business may be reimbursed at the current mileage rate established by the U.S. Internal Revenue Service (IRS) when traveling outside Lamar County, Texas.
3. Car Rentals:
  - a. Requests for car rentals must be approved in advance by the City Council. Except in extraordinary circumstances, car rentals will not be permitted if alternate transportation is available (hotel shuttles or cabs).
  - b. When using rented vehicles, the most economical vehicle available should be obtained.
  - c. The Council member must have a valid driver's license.
4. Airfare reimbursement: Actual out of pocket expenses up to the coach fare amount.
5. Food and incidental expenses: Reimbursable on a per diem basis following the current IRS schedule for such costs for the respective travel location if receipts are not kept. Per diem amounts will be reduced accordingly if any meals are provided by the conference. If travel does not require an overnight stay, no reimbursement shall be given.
6. Registration Fees: Reimbursement of documented actual out-of-pocket expenses.
7. Lodging:
  - a. Actual documented out-of-pocket expenses shall be reimbursed for lodging in an event-designated hotel.

- b. For lodging other than in an event-designated hotel, reimbursement shall be for the lesser of the documented actual out-of-pocket expense, or an amount based on the current IRS schedule for lodging for the respective travel location.

8. Advances:

Where costs can be determined in advance of travel, the Council member may request an advance of the designated costs, provided such request is received by the Finance office at least ten (10) working days prior to the travel. Otherwise, all costs will be reimbursed to the Council member following the event. Any advances must be reconciled within 10 business days of the event completion. If money is owed to the City, it must be repaid within this same 10 day period.

9. The City provides standardized request forms for both reimbursement and advance of business and travel expenses. These forms must be signed by the requesting Council member. If actual expenses are being reimbursed, receipts must be provided for all items.
10. Non-reimbursable expenses include, but are not limited to, hotel movies, alcoholic beverages, and laundry services.

#### **SECTION 14.22 – Breastfeeding Policy**

The City of Paris recognizes a mother's responsibility to both her job and her child and shall make reasonable accommodations for the needs of a breastfeeding employee. It is the policy of the City of Paris to comply with all state and federal laws as they relate to workplace breastfeeding.

- A. Duration: The City will accommodate the breastfeeding related needs of employees for a period up to one year from the birth of a child, including access to appropriate facilities, time, and assistance with equipment and storage.
- B. Accommodations: The City will provide accessible, adequate, and private facilities other than a multiple user bathroom, for the employee's breastfeeding related needs. Each designated space will be shielded from view and free from intrusion from other employees and the public. The facility shall be equipped with a comfortable place to sit, electrical outlet and locking door. The area will have nearby access to safe, clean water source for washing hands and cleaning pump equipment. A refrigerator will be made available for storing breast milk and/or employee's personal cooler.
- C. Break Time: Normally scheduled break times and lunch periods for non-exempt employees will be primarily utilized for milk expression, with additional unpaid time utilizing leave time or time to be made up by the employee as mutually agreed upon by the employee and the supervisor. Employee must be completely relieved from duty during unpaid time. Break times can be combined and redistributed if needed and as agreed upon by the employee and her supervisor.

D. Discrimination: The City is prohibited from suspending, termination, or otherwise discriminating against the employee because the employee has asserted the employee's rights under this policy.

## **SECTION 15 – EMPLOYEE CONDUCT**

### **SECTION 15.01 – General**

Employees are expected to use common sense and reasonable judgment in guiding their behavior on the job. Courtesy, tact and consideration must guide each employee in his/her relationship with fellow employees and the public.

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the City.

### **SECTION 15.02 – Attendance**

Employees must be at their places of work in accordance with City and department policies and regulations. Department heads will establish work schedules and maintain daily employee attendance records. All employees are required to maintain a regular and predictable work schedule. Failure to maintain a regular and predictable work schedule could result in disciplinary action up to and including dismissal.

### **SECTION 15.03 – Work Standards**

The City requires that each employee conduct himself/herself in a manner that facilitates the effective accomplishment of the work of the City. Employees are expected to follow any reasonable request made by his/her supervisor. The employee is expected to observe at all times the requirements of courtesy, consideration, and promptness in dealing with the public and with persons or organizations having business with the City and with fellow employees. Employees may not engage in outside activity while on duty.

Any employee who is arrested for any criminal offense must report in writing such arrest to their department head within 72 hours of arrest or next report to work, whichever is earlier. An employee who fails to report an arrest could result in disciplinary action up to and including dismissal.

All employees who, as a part of their routine duties, are required to drive City vehicles or equipment or drive their personal vehicles while on duty are required to report in writing to their department head within 72 hours any ticket that they receive for a moving violation including a motor vehicle accident. Any employee who fails to report a violation could result in disciplinary action up to and including dismissal.

If work habits, attitude, production and/or personal conduct of any employee fall below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement will ordinarily precede formal disciplinary action, but nothing herein prevents immediate formal action as provided elsewhere in these policies whenever the interest of the City requires such action.



#### **SECTION 15.04 – Political Activities**

City employees are neither appointed nor retained on the basis of their political activity. Employees are encouraged to vote and are free to express their personal opinions about candidates for office. Except as may be otherwise provided by law, the following restrictions on political activity will apply to City employees:

- A. Employees must refrain from using their official position or influence for or against any candidate for public office in any jurisdiction;
- B. Employees may not while on duty or in uniform circulate petitions or campaign literature on behalf of candidates for City elective office nor may they participate in any other way in campaigns and elections for City offices;
- C. Soliciting or receiving any subscription, contribution, or political service or circulating petitions or campaign literature on behalf of candidates for public office in any jurisdiction, is prohibited during working hours or within City facilities;
- D. Under no circumstances are City supplies or equipment to be used in connection with any political campaign;
- E. No employee may hold an appointive or elective City office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with City employment with or without remuneration. Upon assuming such office, an employee will resign.

#### **SECTION 15.05 – Code of Ethics**

The City requires that each employee conduct business in a manner that reflects high ethical standards and integrity. The following restrictions apply.

Employees shall not:

- A. Accept or solicit, for personal financial gain, any benefit that might reasonably influence them to act improperly in the discharge of official duties.
- B. Use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives or others. This provision does not preclude officers or employees from acting in a manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them.
- C. Participate in making or influencing any City governmental decision or action in which they know that they have financial interest distinguishable from that of the public generally or from that of other employees generally.

- D. Use or disclose other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reasons of their positions. This provision applies to former officers and employees as well as to current employees.
- E. Transact any business on behalf of the City with any business entity of which they or their relatives are officers, agents, or members or on which they or their relatives have a financial interest.
- F. Accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities within the City, or which might impair their independent judgment in the performance of their public duty.
- G. Accept rewards, gifts or other form of remuneration in addition to regular compensation for the performance of his/her duties except as may be otherwise provided by current law.
- H. Use their City title in any advertisement or other endorsement of products unless expressly authorized to do so by the City Manager.

#### **SECTION 15.06 – Outside Employment/Activity**

Outside employment or other activities are permitted unless it interferes with job performance or presents a conflict of interest with the duties performed as a City employee. Employees must notify and receive approval from the department head before securing an outside job in addition to their regular job with the City. A department head granting approval of an outside job will send a copy of such approval to the Human Resources Office for inclusion in the employee's personnel file. Employees may not engage in outside employment while on duty. Department heads who are considering or have ownership, partnership or interest in an outside business or employment, or are serving on a board of an organization should disclose this information to the City Manager.

#### **SECTION 15.07 – Solicitation**

Solicitation of funds or anything of value for any purpose by employees or outsiders is not permitted on the work sites unless specifically authorized by the City Manager. No employee may be required to make any contribution. No employee may be penalized or rewarded in any way in connection with his/her employment according to the response to any authorized solicitation.

#### **SECTION 15.08 – Physical/Mental Fitness**

It is the responsibility of each employee to maintain the standards of fitness required to perform the essential functions of his/her job. With the approval of the City Manager a department head may require that an employee undergo a medical or other appropriate physical/mental examination at the City's expense to determine fitness for continued employment or for promotion or other personnel action. A department head has full latitude to implement a

fitness/wellness program to ensure overall physical and mental well-being of personnel. The department head may establish fitness standards for continued employment.

### **SECTION 15.09 – Indefinite Suspension Without Pay Non-Civil Service**

Any employee, who is formally charged by indictment or information with a felony offense, or a misdemeanor involving moral turpitude, may be indefinitely suspended by the City Manager without pay, pending final disposition of such formal charges. In the event such employee is convicted of such crime, either by entering a plea of guilty or nolo contendere to this crime or to a lesser offense, or by trial to a judge or jury, he/she may be discharged from employment by action of the City Manager.

The Department Head must provide notification of suspension without pay in writing to the employee with a second line signature for the City Manager.

### **SECTION 15.10 – Personal Appearance**

Employees are expected to dress appropriately and to maintain a good general appearance at all times, regardless of work location and degree of public contact. Employees are expected to:

- Dress in a manner that is appropriate to the job
- Dress safely and exercise good judgment and care in personal grooming

Examples of unsuitable attire include:

- Beach wear items, including foot thongs (excludes pool staff)
- Tank tops, halter tops, or any tops that expose any portion of the midriff
- Sun dresses or blouses with spaghetti straps without some type of cover jacket
- Sweat suits, leggings, or other spandex outfits

The City has designated Friday as casual day; however employees are required to use good judgment with casual attire. Consideration should be given to meetings with the public, board meetings or other similar events that occur on casual days.

### **SECTION 15.11 – Use of Tobacco Prohibited**

Employees are prohibited from the use of tobacco and tobacco products in city facilities and while in or operating city vehicles and equipment.

### **SECTION 15.12 – Use of Equipment**

City equipment and facilities must be used in a safe and appropriate manner for authorized official purposes. City equipment includes but is not limited to vehicles, desks, computers, printers, telephones, facsimiles, copy machines, postage meters. Inappropriate use of City equipment is prohibited. Inappropriate use of City equipment includes but is not limited to

visiting pornographic internet sites, playing games or downloading software off the internet for purposes unrelated to the job, sending demeaning, vulgar or sexually explicit emails or text messages, spending excessive amounts of time on the internet for personal use, and unsafe or personal use of city equipment such as vehicles, mowers, and tractors. Personal and inappropriate use of City equipment is a violation of City policy.

Employees should have no expectation of privacy as it relates to information on City facilities or stored in or on City equipment. It is the responsibility of the department heads to monitor and ensure the proper use of all City equipment. Department heads may monitor the use of telephones including text messages, e-mails, voice mail, facsimiles, U.S. mail, internet and other electronic communications which may include video monitoring in public areas of facilities. Unsafe or inappropriate use of City equipment or facilities could result in disciplinary action up to and including dismissal.

Employees are not allowed to work outside of their regularly scheduled work hours including City business on work issued electronic devices unless specifically requested by their supervisor.

### **SECTION 15.13 – Maintaining a Hostile/Violence-Free Workplace**

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

#### **A. Prohibited Conduct**

Harassment, intimidation, threats, and violent behavior by or towards anyone in the workplace, that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty, is prohibited. Any remarks or gestures that carry an implied threat of any kind, even if intended to be in jest, will be taken seriously and may lead to disciplinary action up to and including dismissal.

#### **B. Weapons Control**

1. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. 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.
2. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5½ inches, switchblades, etc.

3. Employees licensed by the State of Texas to carry a concealed weapon may have a permitted weapon only on the City parking lot if it is locked in the employee's vehicle. Such employees must report their identity and license plate numbers of all vehicles containing weapons that employees may park in City parking lots to Human Resources.
4. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

C. Mandatory Reporting

1. Employee must immediately notify his/her supervisor, 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.
2. 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.
3. 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.
4. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Director of Human Resources.

D. Protective Orders

Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to 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 Human Resources of any protective or restraining order issued against them.

E. Confidentiality

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

## **SECTION 15.14 – Cell Phone Use in the Workplace**

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees, who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

- A. Texting while operating a motor vehicle is strictly prohibited.**
- B. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, text messages or website data on these telephones. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone, pictures, text messages and website records.
- C. Eligibility for Wireless Phone Allowance
  - 1. The City will limit the use of cellular phone allowances to those employees who have a demonstrated business need to have them. Other communication devices such as landline phones, network access, e-mail, etc. should be used instead of cellular phones whenever possible. The City may provide wireless phone allowance to an employee if at least one of the following criteria is met:
    - a. The job requires considerable time outside the office and it is important to the City that the employee be immediately accessible to receive and/or make frequent business calls, receive and review e-mails, and/or schedule business calendars.
    - b. The job requires the employee to be immediately accessible to receive and/or make frequent business calls, receive and review e-mails, and/or schedule business calendars, outside of working hours.
- D. All initial allowances must be recommended by the Department Director and approved by the City Manager through the completion of the Wireless Phone Allowance Authorization form.
- E. Once approved by the City Manager, the employee must submit to the Finance Department a completed requisition each month for payment. A copy of the front page of the employee's phone bill must accompany the requisition.
- F. The wireless phone allowance is:

Plan Type	Description	Amount
Tier 1 Low	Basic Cellular Phone--Low Usage	40.00
Tier 2 High	Intermediate Cellular Phone--High Usage	60.00
Tier 3 PDA/Data	Advanced Cellular Phone--PDA/DATA	80.00

- G. The cellular phone and related equipment will be obtained by, paid for, and owned by the employee. The account and service will be registered in the name of the employee and billed to the employee at their home address. The employee is responsible for the entire cost of the service. The City will not reimburse employees receiving allowances for the costs of purchasing or replacing portable communication devices under any circumstances.
- H. The allowance is not an entitlement and the amount can be changed or withdrawn with notice at any time.

## PUBLIC INFORMATION ACT

Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

## MONITORING OF CELL PHONE CALLS

Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

## **SECTION 15.15 – Social Media**

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term “social media” encompasses: tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

### Use of City’s Internet

Use of the City’s Internet is a privilege and City employees must be responsible and ethical in its use. The City may monitor an employee’s access, use, and postings to the City’s Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the City’s Social media sites.

### Other City Policies

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints “off-line” through the “General Complaint and Grievance” policy without resorting to social media.

### EMPLOYEE GUIDELINES: Use of City’s Social Media on Work Time

- A. Any blogging or posting of information on the Internet or other City social media sites must comply with the City’s guidelines, regardless of where the blogging or posting is done.
- B. Blogging, or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City’s electronic social media sites.
- C. Employees must obtain written authorization from the City Manager or the IT Director to update or post on social media sites on behalf of the City and all content must be approved prior to posting. All of the employee’s time spent updating or posting on City social media sites as part of the employee’s job duties is compensable time that must be reported and counted in the calculation of overtime.
- D. No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- E. Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate



state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

- F. Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet.
- G. Individual supervisors do not have the authority to make exceptions to these guidelines.

EMPLOYEE GUIDELINES: Use of Personal Social Media While not on Work Time

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- A. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- B. Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- C. Respect coworkers and the City. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- D. Postings on your personal social media site that may constitute violation of the City's Harassment policy is prohibited. Posting any pornographic pictures of any type that could identify you as an employee of the City is prohibited. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
- E. Posting pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites is allowable as long as it does not reflect badly on the city.
- F. Posting information on your personal social media site that could adversely impact the City and/or an employee or a person in the application process of becoming an employee of the City is prohibited.
- G. Reasonable attempts to not permit or remove postings violating this policy, should be taken even when placed by others on your social media site.

## **SECTION 15.16 – Arrests, Confinements and Indictments**

City employees including civil service are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

### PROCEDURE

Employee Notice of Felony and Misdemeanor Charges: Employees must immediately notify their supervisor and/or Department Director within seventy-two (72) hours 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. Failure to report these events in a timely manner may result in immediate termination.

Employee Status after Alleged Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

Employee Status after Adjudication: Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are computed and all related administrative matters are completed, the Department Director will determine, in conjunction with Human Resources Director the status of the employee. 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.

Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

In addition to the policy above, civil service employees shall be governed by applicable departmental policies and procedures, the City's Civil Service Rules and Regulations and Chapter 143 of the Texas Local Government

## **SECTION 16 – DISCIPLINARY ACTIONS – NON-CIVIL SERVICE**

### **SECTION 16.01 – Purpose**

The rules, regulations, policies and benefits set out in the City of Paris Personnel Policies are designed to help achieve the objectives set out in Section 1.1. Violation of personnel policies unnecessarily limits the City's ability to achieve these objectives and can create liability. Therefore, any violation of the City's Personnel Policies could result in disciplinary action up to and including dismissal.

### **SECTION 16.02 – Types of Disciplinary Actions**

Employees are subject to the following potential disciplinary actions based on the nature of the offense:

- A. Verbal warning to the employee (should be documented but maintained in the department's personnel file);
- B. Written warning to the employee with a copy placed in the employee's Master personnel file;
- C. Adverse Disciplinary Action - Suspension without pay with a copy placed in the employee's Master personnel file;
- D. Adverse Disciplinary Action - Reduction in pay within approved grade or salary range, demotion or termination with a copy of the action placed in the employee's Master personnel file.

Any disciplinary action that adversely affects the employee's current salary is considered an adverse disciplinary action. When appropriate, progressive discipline will be applied.

### **SECTION 16.03 – Basis for Disciplinary Actions**

Disciplinary action, up to and including termination, may be taken against an employee for job related improper behavior including but not limited to the violation of the following rules:

- A. Employees are to refrain from any illegal, unethical, abusive or unsafe acts;
- B. Employees are expected to observe City or departmental rules, regulations, policies or procedures;
- C. Employees are expected to meet standards of performance in their positions. Job duties must be performed in an efficient and competent manner.
- D. Employees are expected to observe assigned office hours including limits for coffee breaks. Employees must not work overtime unless authorized by their supervisor.
- E. Employees are to avoid excessive or inappropriate use of leave which includes but is not limited to: failure to maintain a regular and predictable work schedule, abuse of sick leave, military leave, funeral leave or injury leave, or taking leave without prior

authorization. An employee who takes unauthorized leave for more than three (3) days will be considered to have abandoned his/her job.

- F. Employees are expected to be courteous and helpful to fellow employees, supervisors and subordinates, customers and members of the community. Employees are expected not to verbally (including the excessive use of profanity) or physically abuse or discriminate against a customer, fellow employee or member of the community.
- G. Employees are expected refrain from making false statements about employment, job assignments (including travel); or falsify documents related to City business.
- H. Employees are expected not to be under the influence of alcohol or drugs while on duty or bring into, possess, manufacture, distribute, dispense or consume an alcoholic beverage or illegal drug on City property. (See Section 17, Controlled Substance and Alcohol Abuse)
- I. Employees are expected to maintain confidentiality of all information related to medical and personnel records as well as other confidential information related to their specific assignments.
- J. Employees are expected to refrain from the use or permit the use of the employee's title or City name for political purposes or personal gain.
- K. Employees are expected to comply with safety procedures and report any hazardous conditions actions or practices.
- L. Employees are expected not to steal, sell, willful or negligently damage, destroy, misuse, lose or have unauthorized possession of any City property, or information in an unauthorized manner or for monetary gain.
- M. Willful or negligent damage, destruction or misuse of City vehicles including the use of a City vehicle to go to the bank on personal business.
- N. Employees are expected to follow any reasonable request made by the supervisor.
- O. Employees are expected to maintain conduct that does not interfere with office operations, City goals and objectives.
- P. Employees are expected not to text or email on telephones while they are operating a motor vehicle on duty.
- Q. Employees are expected to maintain a good driving record including reporting any moving violations (even if received during non-work hours) if driving a personal or City vehicle or equipment is a requirement of the job.
- R. Unbecoming conduct on or off duty that brings distrust or discredit to the City.

#### **SECTION 16.04 – Administration**

Department heads in consultation with the Human Resources Office and legal have the responsibility and the authority to take disciplinary actions including demotion, suspension and termination as is appropriate. Employee representatives are not allowed in supervisory/management conferences. Any disciplinary action that results in a reduction in the employee's salary requires approval from the City Manager.

Although the Human Resources Office does not maintain a copy of a verbal warning, each department head maintains a record showing the date and substance of verbal warnings given employees in his/her department.

#### **SECTION 16.05 – Standard Disciplinary Action**

Disciplinary actions will be consistent with the nature of the offense or performance deficiency after consideration of relevant factors. The employee's previous work history will be taken into consideration in determining appropriate disciplinary action. Disciplinary actions will generally be progressive; however, there are violations that may be so egregious that an employee may be terminated on the first offense.

#### **SECTION 16.06 – Disciplinary Action Procedures**

Supervisors/department heads should ensure that all staff are properly trained and informed of City policies. During the probationary period the supervisor should identify for the employee, what the expectations are for performing the job. Once employees are properly trained and the supervisor identifies that there is a problem with performance or violation of City policies, it should be brought to the attention of the employee immediately. All conferences should be documented. Employee representatives are not allowed in supervisory/management conferences. Employees should be given an opportunity to identify what is causing the problem. If the causes identified by the employee are related to training, or having appropriate equipment or supplies, the supervisor should make every effort to remove the obstacles. Warnings should be given to the employee of consequences of not performing the job properly or for violating City policies and procedures. **(See Coaching/Counseling Form, Attachment 4).**

Once the employee has been given proper opportunity to perform the job or comply with City policies and the employee continues not to meet expectations, appropriate disciplinary action may be taken up to and including dismissal. Following are the steps that should be followed when taking a disciplinary action or dismissal:

- A. Review the City's Personnel Policies and Procedures, Section 16.
- B. Conference with the employee about the performance problem or behavior that is considered a policy violation (you may contact the HR office if you need assistance in preparing for the conference with the employee). Let the employee tell his/her story and ask pertinent questions to ensure that you know the circumstances related to the poor performance or policy violations. Let the employee know that based on the information, you may take further action, but you will notify him/her later.
- C. The supervisor decides what action is appropriate and discusses proposed action with the Department Head, HR and Legal staff before he/she proceeds. Disciplinary action should be consistent with City's previous disciplinary actions.

- D. The supervisor prepares a draft disciplinary action/dismissal memo and submits to HR and Legal for review to ensure compliance with personnel policies and legal procedures.
- E. When the memo is finalized, the supervisor conferences with the employee, lets he/she ask any questions and get any clarifications about the action. The supervisor considers any additional response that the employee makes during that conference. If after considering the information the employee provides, the supervisor decides to continue with the disciplinary action, he signs the memo, makes a copy and gives the original memo to the employee. If the disciplinary action involves a reduction in salary (ex. demotion, suspension without pay or termination), the supervisor gives the employee two (2) workdays to appeal the disciplinary action. An appeal must be filed with the City Manager in writing. A copy of the signed disciplinary memo is sent to the department head and the Human Resources Director. An employee who is being recommended for dismissal should be placed on administrative leave without pay until he/she has had time to respond to the dismissal.
- F. If the employee appeals the City Manager reviews the employee's response and the supervisor's documentation, and sends a memo to the employee with his/her final decision. If the disciplinary action is not being changed it is made effective on the date that the City Manager signs the memo to the employee notifying him of his/her decision unless it is otherwise stated in the memo. If the decision is changed, the City Manager states the changes in his memo and indicates the conditions for the employee's return to work. The City Manager copies the supervisor, Department Head and the Human Resources Director. The City Manager's decision rendered after this appeal is final.
- G. If the employee does not send in a response, and the decision is to dismiss the employee, the dismissal becomes effective at 5 o'clock p.m. on the deadline date for the employee to respond. This effective date should be included in the original memo given to the employee.

#### **SECTION 16.07 – Administrative Leave Without Pay**

Employees who are being investigated for allegations of serious policy violations may be placed on administrative leave without pay; however, if the outcome of the investigation determines that the allegations are unfounded the employee will be paid for any lost wages. Serious allegations are those allegations that if they are true are grounds for dismissal.

Employees who have filed an appeal of a dismissal will be placed on administrative leave without pay. If the decision is to return the employee back to his job, the City will pay the employee for any lost wages minus any days of suspension or other type of adverse disciplinary action that is taken.

The department head must provide in writing to the employee notice of being placed on administrative leave without pay. Administrative leave without pay must be approved by the City Manager prior to notifying the employee.

## **SECTION 16.08 – Temporary Removal from Workplace**

If an employee is behaving in a life-threatening or disruptive manner, the supervisor/Department Head may require the employee to leave the workplace. When the supervisor/department head removes the employee from the workplace, he places the employee on administrative leave with pay and instructed when he/she is to return to work. The supervisor/department head immediately notifies the City Manager and the Human Resources Office. The appropriate disciplinary action will be taken upon the employee's return to work.



## **SECTION 17 – CONTROLLED SUBSTANCE AND ALCOHOL ABUSE**

### **SECTION 17.01 – Scope**

By Resolution No. 99-061, adopted on June 14, 1999, the City Council of the City of Paris, Paris, Texas, authorized and directed the City Manager to develop and implement (in accordance with the law) new personnel policies. One of the most important components of a comprehensive personnel policy is a policy addressing controlled substance and alcohol abuse by employees. Accordingly, this policy is approved and implemented by the City Manager in accordance with Council's prior authorization.

This Policy applies to all employees of the City of Paris (the "City"). This Policy also applies to all potential employees, that is, those individuals who have received a tentative offer of employment based on successfully completing and passing the controlled substance and alcohol screens of the City of Paris. All employees will receive a copy of this Policy.

### **SECTION 17.02 – Purpose**

The manufacture, distribution, possession, use, or consumption of controlled substances or alcohol on the job or being under the influence of controlled substances or alcohol on the job may create serious risks for the involved employee, fellow employees, the City, and the general public. This Policy is to assist in the reduction of such risks.

This policy contains provision intended to comply with the requirements of federal and state statutes (as those statutes apply to municipalities) mandating a drug and alcohol-free workplace. In addition, this policy is intended to bring the City into compliance with the requirements of the U. S. Department of Transportation (D.O.T.) in accordance with the Omnibus Transportation Employees Testing Act of 1991 (49 U.S.C. 1421 et seq).

Finally, this policy by its design accommodates the broad range of job positions and employee responsibilities existing in a city government as diverse as the City of Paris. This policy strikes a careful balance to protect the constitutional right of privacy for every employee, while at the same time protecting the employee, his or her coworkers, and the citizens they serve from the effects of drug and alcohol use in the workplace or elsewhere. Those employees who must carry firearms as part of their job responsibility or who must operate emergency motor vehicles (even if exempted from the D.O.T. requirements), or who are involved in positions where sensitive materials, such as controlled substances, are administered to patients, have a special responsibility to themselves, their coworkers, and the general public to be drug free at all times. Even the casual use of controlled substances or alcohol, carried into the workplace, could affect judgment, result in unnecessary and perhaps avoidable confrontations, cause avoidable and potentially serious motor vehicle accidents, or could jeopardize the very health of those entrusted to our care, all with serious and potentially life-threatening implications. As a consequence, and in furtherance of public safety and the protection of the health, safety, and welfare of our employees and the public they serve, this policy will require random testing, in conformance with D.O.T. standards, for all employees covered by D.O.T. regulations, and for all public safety employees (generally, all police, fire, and EMS personnel as defined in this policy). Other

employees and employee candidates will be subject to testing following certain events, or in the circumstances of reasonable suspicion. The effect of off-duty conduct, and the City's right to search for unauthorized substances anywhere on City property, in furtherance of the goals of this policy, other policies, and the laws of this state and this city, are also covered in this policy. Each employee is not only encouraged, but required, to read and become familiar with this policy.

### **SECTION 17.03 – Background of Policy**

The City of Paris acknowledges that its success now, as well as in the future, is dependent upon the well-being of its employees. Accordingly, it is the City of Paris's right, obligation, and intent to maintain a safe working environment for all of its employees to protect City property, equipment, and operations, and to fulfill its obligations to the general public.

### **SECTION 17.04 – Definitions**

- A. **"IN UNFIT CONDITION/IMPAIRED"** – The employee's behavior and/or ability to work are affected by a controlled substance or alcohol, or the combination of them, in any detectable manner.
- B. **"CONTROLLED SUBSTANCE"** – Any drug or controlled substance, the manufacture, distribution, possession, sale, or consumption of which is illegal, or a prescribed or over-the-counter drug which is legally obtained but not being used for its intended purpose, or a prescribed or over-the-counter substance which is legally obtained and used for its intended purpose but the use of which causes the employee to be impaired or in an unfit condition.

For the purpose of this Policy, the definition of controlled substance shall include, but not be limited to, all controlled substances, drugs, inhalants, chemical precursors, simulated controlled substances, volatile chemicals, abusable glues, aerosol paints, and marijuana as those terms are now or shall hereafter be defined in Title 6, Chapters 481-485 of the Texas Health and Safety Code, or any successor Code thereto.

- C. **"REASONABLE SUSPICION"** – The belief that an employee has violated the alcohol or drugs prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.
- D. **"MEDICAL REVIEW OFFICER (M.R.O.)"** – A licensed physician with knowledge of substance abuse disorders and training to interpret and evaluate confirmed positive test results, who is responsible for receiving laboratory results generated by the City's Controlled Substance and Alcohol Screening Program. All test results will be reviewed by an authorized M.R.O. The City Manager will designate, in writing, to the Personnel Department those physicians or medical facilities to act as M.R.O. under this Policy.

## **SECTION 17.05 – Policy Administration**

**CITY PERSONNEL DEPARTMENT.** The City Personnel Department shall coordinate the implementation of this Policy. The Personnel Department shall be responsible for reporting the conviction of an employee for any drug or alcohol related criminal offense occurring in the work place within ten (10) days of learning of such conviction to the agency or agencies with whom the City has such obligation.

**DIRECTORS, MANAGERS, AND SUPERVISORS.** It is the responsibility of all City directors, managers and supervisors to act in accordance with and to enforce this Policy.

## **SECTION 17.06 – Employee Responsibilities**

All employees or potential employees of the City of Paris are hereby notified that the manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol is prohibited while an employee is on City property or on City business. This includes reporting for duty after ingesting any type of controlled substance or alcohol as defined by this Policy. Employees violating these prohibitions will be subject to disciplinary action up to and including termination as set out in this Policy. Public safety employees and employees performing safety-sensitive functions will be required to adhere to additional guidelines listed the Appendix, Attachment 4.

It is the responsibility of all City of Paris employees to conduct themselves in a manner consistent with the letter and spirit of this Policy. It is encouraged that if, at any time, an employee believes that another employee has entered City property or reported to work in an unfit condition because of the use or consumption of controlled substances or alcohol, the observing employee report this action to a supervisor or the Personnel Department.

Employees who take medications that may affect the employee's ability to safely and successfully perform the essential job functions must notify the employee's supervisor in advance that the employee will be using the medication. Notification to the supervisor requires written documentation from the physician which states how the prescribed medication will affect the employee's ability to successfully perform the essential functions of the job and if use of the medication while performing these functions will put the employee, fellow workers, or others in immediate danger. Based on the physician's recommendations, the supervisor will then determine if the employee may continue to work while taking the medication or what conditions or restrictions must be placed on the employee while working. This information will be kept in the employee's medical file in the Personnel Department.

- A. PROHIBITIONS** - The use, consumption, possession, purchase, distribution, or sale of a controlled substance or alcohol while on City business or on City property, except for prescribed medications with prior supervisory approval, will subject the employee to disciplinary action up to and including termination. Prohibited activities include:
1. reporting for duty or remaining on duty having used or using alcohol.

2. reporting for duty or remaining on duty having used or using any controlled substance except when the use of such controlled substance is prescribed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely and successfully perform the essential functions of the job.
  3. refusing to submit to a controlled substance or alcohol test required by this policy.
- B. NO EXCEPTION** – There shall be no exception to the prohibition of being on City property or acting on City business while using or possessing a controlled substance or alcohol.
- C. OFF-DUTY CONDUCT** – The City of Paris reserves the right to take disciplinary action, up to and including termination, in the event an employee's off-duty involvement with controlled substances or alcohol is damaging to the City's reputation or business or is inconsistent with the employee's job duties or when such off-duty conduct results in impairment of the employee's job performance.
1. Any employee convicted of or pleading guilty to a criminal drug/alcohol statute violation shall notify his or her supervisor in writing no later than five (5) days following such occurrence. For purposes of this Policy, a plea of nolo contendere shall be considered a plea of guilty.
  2. Any employee convicted of or pleading guilty to a criminal drug/alcohol statute violation shall be subject to timely disciplinary action, up to and including termination.
- D. SEARCHES** – The City of Paris reserves the right to conduct unannounced searches for unauthorized substances anywhere on City property, including, but not limited to, lockers, desks, file cabinets and employees' personal vehicles parked on City parking lots. Personal property on City premises shall be subject to such searches. All such searches shall be authorized and conducted under the direction of the City Manager or his designee. Employees who refuse to cooperate during such unannounced searches shall be subject to disciplinary action, up to and including termination. Body searches of employees shall not be conducted by City personnel other than by law enforcement officers in the performance of their official duties.

#### **SECTION 17.07 – General Procedures**

**HIRING** – Offers of employment with the City will be tentatively based on successfully completing and passing the controlled substance and alcohol screens. Any offer of employment will be nullified if the employee is found to be engaging in the use or consumption of controlled substances or the abuse of alcohol, unless such controlled substance is prescribed for the user by a physician, and then only if such controlled substance is being used/consumed for the purpose intended and the employee is able to safely and successfully perform the essential functions of the position.

- A. SCREENING REQUIRED** – After a tentative job offer, the incoming employee is required to consent to and pass controlled substance and alcohol screens to successfully complete the employment process.

In the event that a negative test result on a specimen reflects dilution, was otherwise tampered with, or was not the specimen of the individual being tested, a recollection under direct supervision will be required. The incoming employee is required to consent to direct supervision of the collection. This process also applies to post accident testing, testing on the basis of reasonable suspicion and random drug testing that is required by law for safety sensitive employees and employees who are required to operate a commercial motor vehicle in the course of performing their job duties. If an applicant or employee is found guilty of any form of deception in connection with the taking of a drug test, that person shall be treated as someone who has had a positive drug screen. In such cases the applicant may be disqualified from employment and an employee may be disciplined up to and including termination.

In situations in which the employee who is required to operate a commercial motor vehicle does not provide a sufficient amount of urine to permit a drug test (pre-employment, post-accident, reasonable suspension, or random), procedures will be followed as required by the Procedures for Transportation Workplace Drug and Alcohol Testing Programs. This same procedure will also be used for safety sensitive employees who are unable to provide a sufficient amount of urine to permit a drug test.

- B. PROCEDURES FOR TESTING EMPLOYEES** – This section of the Personnel Handbook describes the City of Paris's controlled substance and alcohol screening procedures. Section 17.9 addresses additional regulations and procedures applicable to public safety employees and to employees performing safety-sensitive functions. All screenings for alcohol, with the exception of testing of a severely injured employee for which special testing procedures may apply, shall be conducted by breath alcohol testing with certified equipment by a certified technician.

- C. TESTING OF EMPLOYEES** – Current employees will be tested for controlled substance and alcohol use under the following circumstances and with the prior approval of the employee's supervisor:

1. In the event of the involvement of an employee in a vehicular or equipment accident on the job or on City property whether actively or passively involved; or in the event an employee sustains an injury on the job or on City property. If an injury is severe enough to warrant emergency care and hospitalization, a departure from regular testing procedures may be required. It will be the supervisor's responsibility to ensure that testing follows City procedure.
2. When the involved employee's behavior or work performance gives reasonable suspicion to believe the involved employee is affected by the use or ingestion of a controlled substance or alcohol.
3. To comply with local, state, or federal government laws, ordinances, or regulations.

4. When occupying public safety positions, or when occupying safety-sensitive positions which require testing in accordance with D.O.T. guidelines on which Section VIII of the City Policy is based.

**D. OCCASIONS FOR REQUIRED TESTING**

1. During the employment process prior to reporting for duty – Before an incoming employee performs City functions, the employee must submit to controlled substance and alcohol testing. The controlled substance and alcohol screening will occur after a conditional offer of employment is made.
2. Post Accident – Required immediately after an accident as specified in this Section of the HRS Handbook.
3. Reasonable Suspicion – A supervisor must require an employee to take a test if the supervisor has reasonable suspicion to believe the employee has violated alcohol or drug prohibitions. Only one supervisor is required to make the observations necessary to require the drug or alcohol test. A written record of the observations must be kept.
  - a. If controlled substance and alcohol testing is not administered within two (2) hours of the observation, a written record must be kept stating the reasons for the delay. If it is not administered within eight (8) hours, the supervisor must cease attempts to administer the test and a written record stating the reasons for not testing which will be maintained in the Personnel Department.
  - b. As noted in Section 17.9 of this Policy, all supervisors will receive a minimum of one (1) hour of controlled substance and alcohol abuse training.
4. Safety Sensitive Employees – As noted in Section 17.9 of this Policy, special requirements apply to employees occupying safety-sensitive positions.

**E. MEDICATION EXCEPTION – Exceptions to the use or consumption of controlled substances while on City business or on City property may be granted if:**

1. the controlled substance is prescribed as a medication for the user by a licensed physician.
2. the medication is being used in the manner for which it was intended.
3. the employee's ability to safely and successfully perform the essential functions of the job is unaffected by use of the medication.
4. for medications which may affect the employee's ability to safely and successfully perform the essential functions of the job, the employee must notify the supervisor in advance that the employee will be using the medication. Notification to the supervisor requires written documentation from the physician

which states how the prescribed medication will affect the employee's ability to successfully perform the essential functions of the job and if use of the medication while performing these functions will put the employee, fellow workers, or others in immediate danger. Based on the physician's recommendations, the supervisor will then determine if the employee may continue to work while taking the medication or what conditions or restrictions must be placed on the employee while working. This information will be kept in the employee's medical file in the Personnel Department.

**F. FAILING A TEST –**

1. For incoming employees, failure to consent to or pass the required controlled substance and alcohol screening will be considered just grounds to void the tentative job offer. Further, individuals failing or refusing to take a controlled substance and alcohol screen after a tentative job offer will not be reconsidered for employment for a period of twelve (12) months.
2. Current employees who fail a controlled substance or alcohol screening required in accordance with this Policy shall be subject to disciplinary action, up to and including termination.

**G. REFUSAL TO TEST –** An employee who refuses to undergo a controlled substance or alcohol screening in accordance with this Policy shall be treated as if the employee failed the required test.

**H. CONFIDENTIALITY OF RESULTS –** All controlled substance and alcohol screening results shall be the private and confidential property of the City of Paris and will not be shared with anyone except the employee, City supervisory staff with a demonstrated need to know such information, or as required by a court order, D.O.T. mandates, or to legally protect the City.

**SECTION 17.08 – Controlled Substance and Alcohol Screening Procedures**

The following procedures will be observed in the administration of the controlled substance and alcohol screening process:

**A. EMPLOYEE RESPONSIBILITY**

When required to submit to a controlled substance and alcohol screening the employee will:

1. present identification containing a photograph and will, if physically able, complete and sign a test authorization form and other paperwork required by the medical facility.
2. provide a breath sample in accordance with established procedures as required by the medical facility.

3. provide the medical facility a urine specimen to be divided into two (2) samples.
4. initial each specimen collection bottle or other similar documentation to accompany the specimen.
5. along with the attending nurse, initiate "chain of custody" by signing and dating the Chain of Custody Form and witnessing the processing of the sample containers.
6. where the employee's injuries prevent ordinary sample techniques, submit to a substitute sample technique such as blood sampling and testing.

In other circumstances, the employee is required to notify the supervisor of any medication that he/she is taking that may affect the employee's ability to perform his/her essential job functions.

**B. MEDICAL FACILITY RESPONSIBILITY – The Medical Facility will:**

1. perform alcohol testing for all employees in accordance with city, state, and federal guidelines. Breath alcohol testing will be performed with certified equipment by a certified technician.
2. perform controlled substance testing for all employees in accordance with city, state and federal guidelines.
3. immediately implement the steps necessary to ensure test confirmation when initial test results are positive.
4. perform the collection of an employee's urine sample for controlled substance screening and, when applicable, the actual initial controlled substance tests following the collection of specimen steps listed below:
  - a. place one (1) specimen with the original copy of the Test Requisition Form in a tamper proof chain of custody pouch if forwarding to another facility for testing. Chain of custody will be maintained internally if the medical facility performs the initial screening.
  - b. when necessary, release the patient's first specimen to a courier to deliver directly to a nationally certified testing facility.
  - c. retain the second urine specimen (labeled as original specimen) for a minimum of two (2) weeks as a backup in the event of contamination of the first sample in transit or any other need for a second examination of the patient's specimen.



5. for all non-safety sensitive positions, complete an initial controlled substance screening of the specimen. The initial test will be done in accordance with state and federal guidelines. Should this test be positive, a confirmation test, the Gas Chromatography/Mass Spectrometry (GC/MS) test, will be completed by a nationally certified testing facility.
6. ensure that the following substances are included in the controlled substance testing process:

Amphetamines	Barbiturates	Benzodiazepines
Cannabinoids (THC)	Cocaine Metabolites	Opiates
Phencyclidine (PCP)	Propoxyphene	Inhalants
7. where the employee's injuries prevent ordinary sample techniques and testing, initiate a substitute sample technique, such as blood sampling and testing.
8. when conducting testing for non-safety sensitive positions, contact the appropriate City representative as soon as possible, but in no event later than twelve (12) hours after receipt of the employee's specimen, with initial test results and, if required, within forty-eight (48) hours after receipt of the employee's specimen by the testing facility that will administer the test confirmation.
9. when coordinating testing for safety sensitive positions, contact the appropriate City representative within forty-eight (48) hours after receipt of the employee's specimen with initial test results and, if required, within forty-eight (48) hours after the request for test confirmation.
10. at all times, maintain confidentiality of test results.

**C. HUMAN RESOURCES DEPARTMENT RESPONSIBILITY** – The Personnel Department will:

1. select the medical facility or facilities which will conduct collections and screenings.
2. schedule initial and random drug screens in addition to drug screens due to on the job vehicle accidents;
3. assist the supervisor in the accident investigation or observation of the employee when needed;
4. receive the screening results from the medical facility.
5. resolve concerns regarding the medical results of a positive test by:
  - a. contacting the Medical Review Officer and clarifying any medical questions, disagreement, or uncertainty.

- b. initiating any required testing of the employee's second specimen based on test results, advise the appropriate supervisor.
- 6. based on tests results, advise the appropriate supervisor:
  - a. whether or not to continue the employment process for an incoming employee;
  - b. the impact of the results of the test for a current employee.
- 7. when necessary, inform the incoming employee:
  - a. of unacceptable test results and, if requested, provide further information regarding positive test results;
  - b. that unacceptable test results dictate that the prospective employee be ineligible for hiring for a period of twelve (12) months from the date of testing.
- 8. ensure confidentiality of test results by:
  - a. restricting information regarding employee test results to the Personnel Department and those with a demonstrated need to know such information, unless legally required to do otherwise;
  - b. maintaining test results in a secure area of the Personnel Department.

**D. SUPERVISORY RESPONSIBILITY – The Supervisor will:**

- 1. whenever required under this Policy, ensure that all controlled substance and alcohol testing is performed in accordance with the requirements of this Policy.
- 2. follow the controlled substance and alcohol testing procedures as listed in the **Appendix, Attachment 3**, Guidelines.
- 3. ensure that once the testing process is initiated, the employee is:
  - a. prohibited from working or continuing to work.
  - b. not allowed to drive or operate any motor vehicle.
  - c. provided transportation to the designated medical facility. After testing, arrangements should be made for providing transportation for the employee to the employee's residence.
- 4. Immediately provide appropriate Personnel Department representatives the identity of the employee who is being tested and why.
- 5. not discuss employee testing with other City employees, except on a need-to-know basis. Unless legally required, no other individuals will be advised of test results.

- E. CONSEQUENCES OF TEST RESULTS** – The following guidelines will be used to determine acceptability of test results and procedures to be observed when an employee's controlled substance or alcohol screening results are unacceptable.
1. All unacceptable alcohol screening results are:
    - a. based upon levels established by the D.O.T.
      1. Breath alcohol test measures between 0 and .02 will be considered rated passing.
      2. Breath alcohol test measures greater than .02 will be unacceptable and rated failing.
    - b. automatically reviewed by the Medical Review Officer.
  2. When alcohol screening results are unacceptable:
    - a. Personnel Department representative will notify the supervisor of results.
    - b. the supervisor will determine appropriate action based on the following guidelines:
      1. Breath alcohol test measures greater than .02 up to but not including .04:
        - a. Employee will be sent home on administrative leave without pay for a minimum of twenty-four (24) hours and must re-test prior to returning to duty.
        - b. Breath alcohol test measures greater than .02 at re-test require disciplinary action, up to and including termination.
      2. Breath alcohol test measures of .04 or greater require disciplinary action up to and including termination.
    - c. the employee may request a blood alcohol test to confirm breath alcohol test results; however, it must be requested at the time of the breath alcohol testing.
  3. All unacceptable controlled substance screening results are:
    - a. based upon established levels of intoxication and reported as a pass/fail.
    - b. automatically reviewed by the Medical Review Officer.
  4. When controlled substance results are unacceptable:

- a. Personnel Department representative will:
  - 1. coordinate the test confirmation.
  - 2. notify the supervisor of initial and confirming test results.
- b. the supervisor will:
  - 1. immediately put the employee on administrative leave with pay until written results of the test confirmation are received by the Personnel Department.
  - 2. upon receipt of a positive confirmation result, determine appropriate disciplinary action, up to and including termination.

5. When alternative testing results are unacceptable:

The same standards and consequences will apply as for other testing techniques described in this subsection when test results are determined through a substitute sampling technique, such as blood testing techniques.

**SECTION 17.09 – Public Safety Employees and Safety-Sensitive Positions**

**A. SCOPE** – All public safety employees and all employees who occupy positions that require a commercial driver's license and the operation of a commercial motor vehicle (even on an occasional basis), and the performance of one or more safety sensitive functions as defined herein, shall follow these established standards, in addition to standards set forth in the City's Controlled Substance and Alcohol Abuse Policy. Personnel Department representatives will assist directors in identifying covered positions.

**B. DEFINITIONS** –

**1. "COMMERCIAL MOTOR VEHICLE"** – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- a. has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- b. has a gross vehicle weight rating of 26,000 or more pounds; or
- c. is designed to transport sixteen (16) or more passengers, including the driver; or

- d. is of any size and used in the transportation of hazardous materials requiring placards.
- 2. "PUBLIC SAFETY EMPLOYEES"** – Employees who meet the following criteria:
- a. employees (including volunteers or reserves working as employees) of the Police Department and subject to Civil Service under Chapter 143 of the Local Government Code; or
  - b. employees of the Fire Department and subject to Civil Service under Chapter 143 of the Local Government Code; or
  - c. employees (including volunteers or reserves working as employees) of the EMS Department actively engaged in providing ambulance or life-saving services, to include all emergency medical technicians (EMTs), paramedics, and ambulance drivers.
- 3. "SAFETY SENSITIVE FUNCTION"** – Any of those on-duty functions set forth in D.O.T. regulations that pertain to City of Paris activities. These include all time:
- a. inspecting, servicing, repairing, or conditioning a commercial motor vehicle.
  - b. spent at the driving controls of a commercial motor vehicle.
  - c. other than driving time, spent on or in a commercial motor vehicle.
  - d. loading or unloading a commercial motor 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.
- C. ADDITIONAL PROHIBITIONS** – In addition to prohibitions set forth elsewhere in this Policy, the following prohibitions shall apply to public safety employees and those employees performing safety-sensitive functions.
- 1. Being on duty or operating a commercial motor vehicle while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

2. When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

**D. RANDOM TESTING** – In addition to those testing requirements set forth in this Policy, the following requirements shall apply to public safety employees and those employees performing safety-sensitive functions.

1. Tests will be unannounced and spread throughout the year.
2. A valid random selection method, chosen by Personnel Department representatives, will be used.
3. During each calendar year, public safety employees and those employees performing safety-sensitive functions will be tested for alcohol and controlled substances at a percentage mandated by current D.O.T. guidelines. Currently, these guidelines require that 10% of employees in safety sensitive positions will be tested for alcohol, 50% of these employees will be tested for controlled substances. These percentages are subject to change based on reported violation rate or changes in D.O.T. guidelines. These same percentages will be applied to public safety employees.

**E. ADDITIONAL TESTING REQUIREMENTS** –

1. Public safety employees and employees already performing safety-sensitive functions who seek promotions or transfers into other public safety or safety-sensitive positions will be required to submit to controlled substance and alcohol testing as a condition of transfer or promotion upon selection. An employee who has been tested within the last twelve (12) months prior to the promotion or transfer will not be required to be tested.
2. Non-public safety employees and employees not performing safety-sensitive functions who seek promotions or transfers (including reclassifications) into public safety or safety-sensitive positions will be required to submit to controlled substance and alcohol testing upon selection.

**F. CHANGE OF JOB STATUS** – In the event of an employee's promotion, transfer, demotion, reclassification, or other change of job status, the employee's supervisor shall notify the Personnel Department of the employee's change of job status and whether or not the employee will occupy a public safety or safety-sensitive position.

**G. RECORD REQUIREMENTS** – In addition to records normally maintained regarding testing facilities, procedures, and results, Personnel Department representatives will:

1. Prepare an annual calendar year summary of the results of its testing program of safety-sensitive positions, and maintain it for a minimum of five (5) years.
2. if presented with a written authorization from an employee or past employee who is occupying or has occupied a safety sensitive position, in accordance with D.O.T. regulations, release information regarding the individual's participation in the City's controlled substance and alcohol testing program.

# **APPENDIX**



## **Attachment 1**

### **Administrative Guidelines**

Several benefits authorized in the City of Paris Personnel Policies are provided employees as “days,” i.e., vacation days, holidays, sick leave days. Such benefits are provided in relation to the City’s “normal work day.” Due to different job demands and staffing procedures, City departments observe different work/on duty shifts. It is therefore, necessary to adjust “day” benefits to the various work/on duty shifts in a manner that is uniform and equitable.

A benefit day is equivalent of 20% of a normal workweek and .385% of a normal work year (2080 hours). A benefit “day” will be considered the equivalent of 50% of a normal work/on duty shift for employees whose workweek is fifty-six (56) hours. This is the equivalent of 21.4% of the workweek and .412% of a work year (2912 hours).

FMLA forms for Military Family Leave and Military Caregiver Leave may be obtained from the Human Resources Director or the U.S. Department of Labor website.

Attachment 2

Form FMLA-1

CITY OF PARIS  
FAMILY AND MEDICAL LEAVE FORM  
REQUEST FORM

**TO BE COMPLETED BY THE EMPLOYEE**

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

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

Reason for request:

- Personal Illness
- Family Illness
- Birth or adoption of a child

If leave is for a family illness, name and relationship of family member:

\_\_\_\_\_

Duration of leave \_\_\_\_\_

\_\_\_\_\_

I hereby authorize the attending physician to release information required on this leave request.

\_\_\_\_\_  
Signature of employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Family Member (if applicable)

\_\_\_\_\_  
Date

CITY OF PARIS  
FAMILY AND MEDICAL LEAVE

**TO BE COMPLETED BY PHYSICIAN**

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

Does this employee have a serious health condition?     Yes                     No

Date of onset of condition \_\_\_\_\_

Probable duration of incapacity to perform the job \_\_\_\_\_

Is hospitalization required?             Yes     No

Will he/she be able to perform the essential functions of his/her job? See attached job description.

Yes     No

Is hospitalization required?             Yes     No

**Return to:**                    **City of Paris**  
                                      **Human Resources**  
                                      **P.O. Box 9037**  
                                      **Paris, TX 75461-9037**  
                                      **Fax: 903-785-8519**

Name of Physician  
(print): \_\_\_\_\_

Signature of  
Physician: \_\_\_\_\_ Date \_\_\_\_\_

**CITY OF PARIS  
FAMILY AND MEDICAL LEAVE  
FAMILY MEMBER**

**TO BE COMPLETED BY PHYSICIAN**

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

Name of Family Member \_\_\_\_\_

Does the family member have a serious health condition?     Yes                     No

Date of onset of condition \_\_\_\_\_

Probable duration of incapacity to perform the job \_\_\_\_\_

Is hospitalization required?             Yes     No

Will the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?     Yes     No

Is the employee's presence necessary to care for the patient?     Yes     No

If yes, for what period of time? \_\_\_\_\_

**Return to:**                    **City of Paris**  
                                      **Human Resources**  
                                      **P.O. Box 9037**  
                                      **Paris, Tx 75461-9037**  
                                      **Fax: 903-785-8519**

Name of Physician  
(print): \_\_\_\_\_

Signature of Physician: \_\_\_\_\_ Date \_\_\_\_\_

CITY OF PARIS
FAMILY AND MEDICAL LEAVE
SUPERVISOR'S FORM

TO BE COMPLETED BY SUPERVISOR AND PROVIDED TO THE EMPLOYEE

Name of Employee \_\_\_\_\_ Department: \_\_\_\_\_

This is to inform you that:

You are \_\_\_ eligible \_\_\_ are not eligible for leave under the FMLA.

The leave that you are taking \_\_\_ will \_\_\_ will not be counted against your annual FMLA leave entitlement.

You \_\_\_ will \_\_\_ will not be required to furnish a medical certification of a serious health condition by \_\_\_\_\_. If certification is not received within 15 days of receiving this notice, we may delay the commencement of your leave until certification is received.

You will be required to substitute accrued sick and vacation leave for unpaid FMLA leave.

You \_\_\_ will \_\_\_ will not be required to furnish us periodic reports every\_\_\_\_\_.

You \_\_\_ will \_\_\_ will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, you will not be allowed to return to active duty.

If you return at the end of your Family and Medical leave, you have the right to be restored to the same an equivalent position.

If you are on paid leave, your insurance premium will continue to be deducted from your salary warrant. If you are on unpaid leave, you should submit your portion of your insurance premium to the Finance Department no later than the 1st of each month. [Revised 12/22/10]

Your Family and Medical Leave will begin (m/d/yy)\_\_\_\_\_ and end on\_\_\_\_\_

Your FMLA unpaid leave begins (m/d/yy)\_\_\_\_\_.

Signature of Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Signature of Dept. Head \_\_\_\_\_ Date \_\_\_\_\_

**Attachment 3**  
**GUIDELINES FOR HANDLING EMPLOYEES AT WORK**  
**OR ATTEMPTING TO REPORT TO WORK IN VIOLATION OF**  
**THE CONTROLLED SUBSTANCE & ALCOHOL ABUSE POLICY**

Supervisory and managerial staff must be alert to detect employee violations of this Policy. The observed reduced ability to perform work in a safe and productive manner, observed aberrant behavior, and any detectable amount of alcohol or controlled substances found in the work place will usually be factors triggering a reasonable cause to believe a violation of this Policy has occurred or is occurring. Consequently, supervisors and managers will be trained to identify alcohol and controlled substances, as well as taught the common physical signs of persons using such substances. The City expects supervisors and managers to act in accordance with these guidelines when they develop a reasonable good faith belief that a violation of the Policy has occurred.

In the event of such reasonable good faith belief, supervisors and management officials should accomplish the following:

- A. Address the employee in a reasonable, quiet, and professional manner. DO NOT USE FORCE. If the employee presents a clear, immediate or substantial risk to the safety and well-being of the employee or to others, then appropriate action must be taken to protect that employee and others.
- B. Take possession of any suspected contraband in plain view. If the employee refuses to turn over the suspected contraband, DO NOT USE FORCE, but inform the employee that continued refusal to do so may be grounds for discharge. Make sure the employee does not dispose of the suspected contraband, if at all possible. Put any suspected contraband in clean containers and mark them for future identification and testing.
- C. Escort the employee from the work place to a private office. Never allow the employee to continue to work.
- D. Notify the Division or Department Director and the Personnel Department of the situation and secure instructions regarding the requiring of a medical examination/controlled substance and alcohol abuse screening, including the specifics of such action if same is to be undertaken.
- E. If at all possible, have another supervisor present to witness the employee's behavior.
- F. Conduct an interview with the involved employee, utilizing the attached Employee Interview Sheet. During this interview, give the employee a chance to explain the situation.
- G. Once the need for reasonable suspicion testing has been established and the decision to require testing has been made, the Personnel Department is to be notified immediately. The employee's immediate supervisor will:

1. Arrange for transportation and accompany the employee to the medical facility for the test.
  2. If the results are negative, the employee may return to work. If the results are positive, arrange transportation for the employee from the medical facility to the employee's home immediately following the test.
  3. Advise the employee that he/she will be contacted as soon as reasonably possible once the test results have been validated. Until the results have been validated, the employee will be placed on paid administrative leave.
- H. The supervisor will be responsible for ensuring that screening procedures listed in the Controlled Substance and Alcohol Abuse Policy are followed.
- I. If the employee refuses to consent to controlled substance and alcohol testing, the employee should be reminded that refusal to test is considered the same as failing the test. If the employee still refuses to consent to testing, the supervisor will immediately arrange transportation for the employee to the employee's residence. The employee will be advised that as soon as a decision is made regarding employment/disciplinary status, the employee will be contacted.
- J. As soon as reasonably possible, and upon receipt of the test results, a Personnel Department Representative, the Director, Manager and immediate supervisor will confer as to the appropriate discipline, if any, return to work requirements, or other appropriate employment status decisions to be implemented. The City Manager may, at the Manager's discretion, participate in these discussions or review the decisions made. The employee will be advised accordingly.

EMPLOYEE INTERVIEW SHEET			
Employee Name:		Supervisor Name:	
Date/Time Completed:		Witness: Witness	
SUGGESTED QUESTIONS TO ASK WHEN REASONABLE SUSPICION EXISTS			
1.	Are you feeling ill? If yes, what are your symptoms?	Yes	No
2.	Are you under a doctor's care? If yes, what are you being treated for? What is your doctor's name and address? When did you last visit your doctor?	Yes	No
3.	Are you taking any medications? What medication? When did you take your last dosage? Do you have your prescription in your possession?	Yes	No
4.	Do you have any pre-existing medical problems? Are you diabetic? Are you taking insulin? Do you have low blood sugar? Are you epileptic?	Yes Yes Yes Yes Yes	No No No No No
5.	Do you have a cold? If yes, are you taking any: Pills/medications? Cough Medicine? Antihistamines?	Yes Yes Yes Yes	No No No No
6.	Are you using any type of drug? If yes, what?	Yes	No
7.	Did you drink alcohol or an alcoholic beverage today? If yes, what?  How much?  When did you stop?	Yes	No
		When did you start?	With whom did you drink?
Employee Signature:		Supervisor Signature:	
Witness Signature:		Witness Signature:	



OBSERVATION CHECKLIST	
Employee:	Dept./Div.:
Check pertinent items.	
1. WALKING:	<input type="checkbox"/> Stumbling <input type="checkbox"/> Staggering <input type="checkbox"/> Failing <input type="checkbox"/> Unable to <input type="checkbox"/> Swaying <input type="checkbox"/> Unsteady <input type="checkbox"/> Holding on
2. STANDING:	<input type="checkbox"/> Swaying <input type="checkbox"/> Rigid <input type="checkbox"/> Unable to <input type="checkbox"/> Feet wide apart <input type="checkbox"/> Staggering <input type="checkbox"/> Sagging at knees
3. SPEECH:	<input type="checkbox"/> Shouting <input type="checkbox"/> Silent <input type="checkbox"/> Whispering <input type="checkbox"/> Slow <input type="checkbox"/> Rambling <input type="checkbox"/> Mute <input type="checkbox"/> Slurred <input type="checkbox"/> Slobbering <input type="checkbox"/> Incoherent
4. DEMEANOR:	<input type="checkbox"/> Cooperative <input type="checkbox"/> Polite <input type="checkbox"/> Calm <input type="checkbox"/> Sleepy <input type="checkbox"/> Crying <input type="checkbox"/> Silent <input type="checkbox"/> Talkative <input type="checkbox"/> Excited <input type="checkbox"/> Sarcastic <input type="checkbox"/> Fighting
5. ACTIONS:	<input type="checkbox"/> Fighting <input type="checkbox"/> Calm <input type="checkbox"/> Drowsy <input type="checkbox"/> Hyperactive <input type="checkbox"/> Hostile <input type="checkbox"/> Erratic <input type="checkbox"/> Profanity <input type="checkbox"/> Threatening <input type="checkbox"/> Resisting communications
6. EYES:	<input type="checkbox"/> Bloodshot <input type="checkbox"/> Watery <input type="checkbox"/> Dilated <input type="checkbox"/> Droopy <input type="checkbox"/> Closed <input type="checkbox"/> Glassy
7. FACE:	<input type="checkbox"/> Flushed <input type="checkbox"/> Pale <input type="checkbox"/> Sweaty
8. CLOTHING: (APPEARANCE)	<input type="checkbox"/> Unruly <input type="checkbox"/> Messy <input type="checkbox"/> Dirty <input type="checkbox"/> Neat <input type="checkbox"/> Partially dressed <input type="checkbox"/> Having Odor <input type="checkbox"/> Stains on clothing <input type="checkbox"/> Bodily excrement stains
9. BREATH:	<input type="checkbox"/> No Alcoholic odor <input type="checkbox"/> Alcoholic odor
10. MOVEMENT:	<input type="checkbox"/> Fumbling <input type="checkbox"/> Jerky <input type="checkbox"/> Slow <input type="checkbox"/> Nervous <input type="checkbox"/> Hyperactive <input type="checkbox"/> Normal
11. EATING/ CHEWING:	<input type="checkbox"/> Gum <input type="checkbox"/> Candy <input type="checkbox"/> Mints <input type="checkbox"/> Other-identify if possible
12. OTHER OBSERVATIONS:	  
Employee Signature:	Supervisor Signature:
Date/Time Completed:	Witness Signature:

## PROCEDURAL REMINDERS REGARDING

### CONTROLLED SUBSTANCE /ALCOHOL ABUSE SCREENING FOR POST-ACCIDENT

When an employee is involved in an on-the-job accident involving a vehicle, mobile equipment (tractors, diggers, etc.), or power tools, the employee is required to submit to and pass a controlled substance and alcohol screening process. If more than one employee is involved, both should be tested. Examples of this would include:

1. An accident involving an Equipment Operator and another employee injured by the equipment or directing the operator.
2. Anytime the supervisor deems necessary.

If testing is required the supervisor should drive the employee to the testing facility as soon as possible after the accident. It is MANDATORY that the employee not be allowed to operate City equipment/vehicles until a negative result has been received. The supervisor cannot physically restrain the employee from driving a personal vehicle however the supervisor can strongly suggest that it is not advisable until test results have been received.

If the accident occurs during normal working hours, the testing facility will administer appropriate tests, complete testing procedures, and contact the Personnel Department with the results. A Personnel Department representative will then contact the department/division.

Dr. Kyle Jones' Office should be utilized for testing. If a minor injury is involved, Dr. Jones' office can treat the injury. If Dr. Jones' office is not available, Salas Minor Emergency may be used to treat the injury and do the testing. For major injuries or after-hours injuries, Paris Regional Medical Center should be used to treat the injury. Dr. Kyle Jones' Office after-hours process will be utilized to do the testing.

RESULTS SHOULD BE RELEASED ONLY TO SUPERVISORY/ADMINISTRATIVE  
PERSONNEL WITH A NEED TO KNOW.  
THIS IS CONFIDENTIAL INFORMATION

STEP	PROCEDURE
1	Employee has an accident (at fault or not) which results in property damages of any kind. An “accident” would include vehicular-type accidents, (cars, trucks, backhoes, four wheelers, tractors, etc.) or power tools.
2	Supervisor notifies Human Resources (Finance Director if Human Resources in unavailable) of a non-injury accident. This notification applies 24 hours a day.(It is imperative that the employee understands that he/she could be terminated for refusal to test.)
3	For injury accident, notify the worker’s comp. coordinator in the Finance Office. (If after-hours, notify Human Resources or Finance Director). Supervisor’s first report of injury must be filed with the workers Comp. coordinator in the finance office.
4	If the accident is an injury accident such as a power tool accident or other equipment and the employee needs immediate treatment, then the employee must be drug tested.
5	Human Resources or Finance will contact Dr. Jones Office or Salas Minor Emergency and let them know that a city employee is coming for a post-accident drug test or treatment or both. City personnel with also let the testing facility know if this is a DOT employee. Dr. Jones office has staff on-call to take care of after-hours accidents.
6	<p><b>Injury Accident:</b> Supervisor (or designated individual) transports (except in the case where ambulance transport is necessary) the employee to the hospital for major injury emergency treatment, or Dr. Jones for minor injury emergency treatment. Salas Minor Emergency may be used if Dr. Jones’ Office is not available.</p> <p><b>Non-Injury Accident:</b> Supervisor (or designated individual) transports employee to Dr. Jones Office for testing.</p> <p>(At no time should the employee be allowed to drive to the testing facility.)</p>
7	<p>If the results of the rapid result test are negative, the employee may return to work.</p> <p>If the results of the rapid result test are positive, <u>Human Resources must be notified</u>. The employee is to be taken home or arrangements made for family or friends to pick the employee up and take him/her home. The employee will be placed on paid administrative leave until the test results can be validated.</p> <p>If accident requires full DOT testing to be sent to a laboratory, then the employee will not be allowed to operate a vehicle or equipment until results are received.</p>

**Attachment 4**  
**COACHING/COUNSELING SESSION**

Date \_\_\_\_\_  
Supervisor Name \_\_\_\_\_

**Purpose of Session:**

- \_\_\_\_\_ Clarification of Duties
- \_\_\_\_\_ Performance Status Report
- \_\_\_\_\_ Performance Problems
- \_\_\_\_\_ Policy violations/Inappropriate Conduct

Clarification of Duties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Status of Performance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Performance or other Problems Identified: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Policy Violations/Inappropriate Conduct Identified: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Desired or Corrective Action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Consequences of continued performance problems or policy violations/inappropriate conduct: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Coaching/Counseling Supervisor Signature

\_\_\_\_\_  
Date

**Attachment 5  
Grievance/Complaint Form**

<b>Name of Complainant:</b>	<b>Classification:</b>	<b>Hire Date:</b>
<b>Basis of Complaint:</b>	<b>Date of Incident:</b>	<b>Name of Respondent:</b> <i>(Person who is being complained against)</i>

**Provide details of your complaint:** \_\_\_\_\_

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**Remedial action sought:** \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Signature of Complainant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of HR Director or Designee**

\_\_\_\_\_  
**Date Received**